



Roger L'Estrange Kn<sup>t</sup>.

Granger Vol 4 - p 69 line 5. 261



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Granger. Vol 4 - p 69 line 5. 261



THE  
HISTORY  
OF THE  
PLOT:  
Or, A Brief and Historical  
ACCOUNT  
OF THE  
Charge and Defence  
OF

*Edward Coleman, Esq;*

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*William Ireland,  
Thomas Pickering,  
John Grove.*

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*Robert Green,  
Henry Berry,  
Laurence Hill.*

*Tho. Whitebread,  
William Harcourt,  
John Ferrwick, } Jesuites.  
John Gavan,  
Anthony Turner, }*

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*Richard Langhorne, Esq;*

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*Sir George Wakeman, Baronet.*

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*William Marshall, } Benedictine  
William Rumley, } Monks.  
James Corker, }*

Not omitting any Material Passage in the whole PROCEEDING.

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Compiled by *Roger L' Estrange, Esq;*

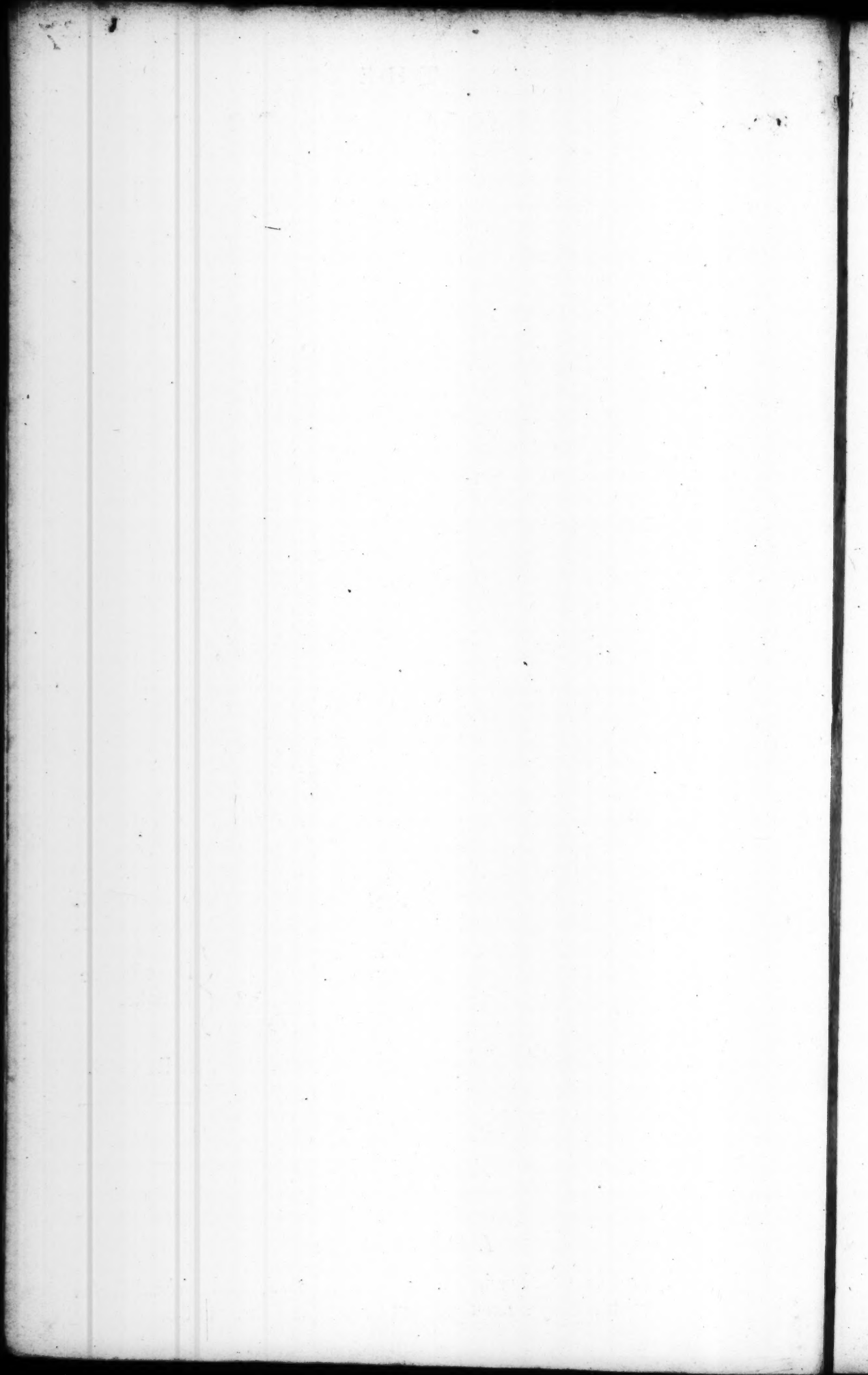
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*By Authority.*

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L O N D O N :

Printed for Henry Brome in St. Paul's Church-yard, and Richard Tonson  
within Grayes-Inn-Gate next Grayes-Inn-Lane. 1680.



TO THE  
**R E A D E R.**

**H**ere has not been any point, perhaps, in the whole Tract of English Story, either so dangerous to be mistaken in, or so difficult, and yet so necessary to be understood. as the Mystery of this detestable Plot now in Agitation, (*A Judgment for our Sins, augmented by our Follies*) But the world is so miserably divided betwixt some that will believe every thing, and others nothing, that not only Truth, but Christianity it self is almost lost between them; and no place left for Sobriety and Moderation. We are come to govern our selves by Dreams, and Imaginations; We make every Coffee-house Tale an Article of our Faith; and from Incredible Fables we raise Invincible Arguments. A man must be Fierce and violent, to get the Reputation of being Well-Affected; as if the calling of one another Damn'd Heretique, and Popish Dog, were the whole Sum of the Controversie. And what's all this but the effect of a Popular Licence and Appeal? When every Mercenary Scribler shall take upon him to handle matters of Faith, and State; give Laws to Princes; and every Mechanique sit Judge upon the Government! Were not these the very Circumstances of the late Times? When the Religious Jugglers from all Quarters fell in with the Rabble; and managed them, as it were, by a certain sleight of hand: The Rods were turned into Serpents on both sides, and the Multitude not able to say, which was Aaron, and which the Enchanter. Let us have a Care of the same Incantation over again. Are we not under the protection of a Lawful Authority? Nor was there ever any thing more narrowly Sifted, or more vigorously discouraged, than this Conspiracy. Reformation is the proper business of Government and Council; but when it comes to work once at the wrong End, there is nothing to be expected from it, but Tumult and Convulsion. A Legal and Effectual provision against the Danger of Romish Practices and Errours, will never serve their turn, whose Quarrel is barely to the Name of Popery, without understanding the Thing it self. And if there were not a Roman Catholick left in the three Kingdoms, they would be never the better satisfied; for where they cannot find Popery, they will make it: nay and be troubled

## To the Reader.

too that they could not find it. It is no new thing for a Popular Out-cry, in the matter of Religion, to have a State-Faction in the belly of it. The first late Clamor was against Downright Popery; and then came on Popishly Affected; (That sweeps all) The Order of Bishops, and the Discipline of the Church took their Turns next; and the next blow was at the Crown it self: when every Man was made a Papist that would not play the Knave and the Fool, for Company, with the Common People.

These things duly weighed, and considering the Ground of our present Distempers; the Compiler of this Abridgment reckoned that he could not do his Countrymen a better Office, than (by laying before them the naked state of things) to give them at one view, a Prospect, both of the subject matter of their Apprehensions, and of the Vigilance, Zeal, and needful severity of the Government on their behalf. To which end, he hath here drawn up an Historical Abstract of the whole matter of Fact concerning those Persons who have hitherto been Tried for their Lives, either upon the Plot it self, or in Relation to it: opposing Authentick Records to wandring Rumours; and delivering the Truth in all Simplicity. He hath not omitted any one material Point: There is not so much as one Partial Stroke in it; not a flourish, nor any thing but a bare and plain Collection, without any Tincture either of Credulity, or Passion. And it is brought into so narrow a Compass too, that it will ease the Readers head, as well as his purse; by clearing him of the puzzle of Forms, and Interlocutories, that serve only to amuse and mislead a man, by breaking the Order, and confounding the Relative part of the Proceeding.

Having this in Contemplation; and being at the same time possesst of a most exact Summary of all passages here in Question; This Reporter was only to cast an Extract of these Notes into a Method: especially finding, that upon comparing the substance of his own papers, with the most warrantable Prints that have been published; his own Abstract proved to be not only every jot as Correct, but much more Intelligible, which being short and full; he thought might be useful, and find Credit in the world upon its own account, without need of a Voucher.

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THE



T H E  
H I S T O R Y  
O F T H E  
Charge and Defence  
O F  
EDWARD COLEMAN, Esq;



HE first of the Conspirators that was brought to public Justice was Mr. *Edward Coleman*; who received his Trial at the *Kings Bench-Bar*, *Novemb. 27. 1678.* and pleaded *Not Guilty*, to the Indictment.

The Jury consisted of Persons of Condition, and known Integrity; being Sworn, without any exception or challenge from the Prisoner.

The General Heads of his Charge were, *The Conspiring of the death of the King. The endeavour of Subverting the Government of England; and the Protestant Religion.* And these Treasons, and Designs, to be made out against him, partly by Witnesses, *viva voce*; and partly by Letters and Negotiations under his own Hand, proving a Correspondence with several sorts of Agents for the accomplishing of the aforesaid ends.

The Charge being read, and the particulars of the matter in Evidence, modestly and learnedly opened by His Majesties Council, The Prisoner past some reflections upon the hard measure of not allowing Council to a Prisoner in this Case, recommending himself to the Justice of the Bench to be Council for him, and representing the disadvantage of a *Roman Catholicks* appearing at the Bar under so violent a prejudice, he insisted further, upon the Ingenuity of his Confessions in Prison; and it being objected to him, as a thing incredible, that he should break off his Correspondences just at (75) with the Date of the last Letters of his that were found: His answer was, that he never received any Letters after that time, but cursory Intelligence, which were either Burnt, or used as common Paper: And that he had offered all Oaths and Tests in the world for Confirmation of the truth thereof: and that they had seized every one of these Letters of general Correspondence, for the two or three years last past that he knew of.

Hereupon the Court proceeded to the Evidence, the Lord Chief Justice previously inculcating, the sacredness of an Oath, and Exhorting Mr. *Oates* both the Jury, and Witnesses, to proceed with all due Tenderneſs and sworn caution: for the life of a man was at stake, and it was not intended that any thing should be put upon the stretch against the Prisoner. *Plot upon the King.*

The Witness first called, was Mr. *Oates*; and the first thing demanded of him, was *what he could say of the Prisoner being any way privy to the design of Murthering the King,* To which, he gave Evidence, as follows; *He goes to Father Keyns at That Coleman's.*  
B



That in November last, making a Visit to Mr. John Keyns (his Father Confessor, then lodging at Mr. Coleman's in Stable-Yard) Mr. Coleman asked him *who that was?* one (says he) that is going to St. Omers. Then says Mr. Coleman to the Witnesses, *I must trouble you with a Letter or two; and I will leave them for you with Fenwick (the Procurator of the Society in London.)*

Fenwick gives him Coleman's Packet for St. Omers.

On the Monday following Fenwick gave Mr. Oates the Packet Mr. Coleman had left in his hand; and away goes he to Dover, with it. The outside sheet was a paper of News, which past under the name of Coleman's Letter; and at the bottom of it these words, *Pray recommend me to my Kinsman Playford (who lived at that time in St. Omers.)* This Letter was written in English, at Length, and addressed to the Rector of St. Omers; giving him an account how matters went in England. The Witnesses depose that he read this Letter, and in it many undutiful expressions concerning the King: and this in particular; that the Match of the Lady Mary with the Prince of Orange would prove that Traytors, and Tyrants ruin.

Foul expressions in Coleman's News Letter.

A Letter of thanks to La Chaise for 10000 l.

That there was also a Letter in Latin to La Chaise, with a flying Seal, and no subscription; and this Letter, with the Letter of News, and the Postscript, were all in a hand. This was a Letter of thanks to La Chaise, for 10000 l. which he confest to have received for the service of the Catholick Cause; with a promise that it should be wholly employed as it was designed; and that no endeavour should be wanting to destroy the Protestant Religion Root and Branch. Now this Letter was in answer to one from La Chaise (dated in August) which was directed to Strange, who at that time was Provincial of the Society for London, but Strange having hurt his hand with a Reed, and Mico, his Secretary, being sick, Mr. Coleman wrote this Letter by direction of the Provincial, as the Provincial told the Deponent himself.

The money to be employed for the killing of the King.

That Letter from La Chaise to which this was an answer, the Witnesses Deposed that he saw, and read, and observed instructions in it to this effect. *That the 10000 l. should be laid out to no other end than for the killing of the King.* The Witnesses did not see Coleman write this Letter, but delivering it to La Chaise himself, La Chaise named a Gentleman with a French name, and asked how he did; the Witnesses not well understanding him, (being at a loss) One (says La Chaise) *that was formerly Secretary to her Royal Highness:* Whereupon Mr. Oates, in Latin, asked him if it were not Coleman; But what answer was made to this, Mr. Oates does not remember. La Chaise answered his Letter, and the Witnesses brought that answer to St. Omers; from whence it was sent by the Society, under Cover to Mr. Coleman, telling him in express terms that this Letter was received and owned.

Mr. Oates had a Patent to be of the Consult.

The Witnesses having a Patent to be taken into the Consult, had the sight of this Letter at St Omers, and it was sent to Mr. Coleman, who acknowledged the Receipt of it from La Chaise; and in the same hand that wrote the News Letter, which was agreed upon to be Coleman's hand.

Mr. Oates being demanded what he could say to the Consultation here in May last, and how far the Prisoner was privy to the purpose of Murdering the King, he proceeded to this effect.

A Consult at the White-Horse in the Strand.

By virtue of a Brief from the Father General of the Society at Rome, the Jesuits were appointed to have a meeting, which begun at the White-Horse-Tavern in the Strand, in April, Old Stile, and May, New, and continued there no longer then till they had concluded upon the Dispatch of one Father Cary, an Agent, and Procurator for Rome; and then

then they Adjourned themselves into Clubs and Cabals, some at *Wild-house*, some at *Harcourts*, *Irelands*, *Fenwicks* Lodgings, and came at length to this Result.

*Pickering* and *Grove* were to destroy the King, either by shot, or otherwise; and for their Reward, *Grove* was to have fifteen hundred Pounds, and *Pickering* (being a Religious person) 30000 Masses, which may be valued an Equivalent, at Twelve pence a Mass. Mr. *Coleman*, in this Deponents hearing, was told of this determination at *Wildhouse*; and the Witness affirms, to have seen a Letter under the Prisoners own hand, to one *Ireland*; expressing his desire that by some means or other, the Duke of *York* might be Trapann'd into the Plot. There was a P. S. to this Letter, *Recommend me to Father La Chaise*. And besides all this, the Witness avers, that he heard *Coleman* give his opinion at *Wildhouse*, that he thought it was well contrived.

The next point was what the Witness knew of any Rebellion to have been raised in *Ireland*, or of any practice designed upon the Duke of *Ormond*: To which Mr. *Oates* deposed,

That in *August*, there was a Consultation at the *Savoy*, with the *Jesuits* and with the *Benedictines*, and a Letter written from *Talbot*, (the pretended Archbishop of *Dublin*) making mention of one of the Popes Legates, an *Italian* Bishop (*Cassay*, as he believed) that maintains the Popes Claim to the Kingdom of *Ireland*. And in this Letter, he speaks of four *Jesuits*, that were contriving the death of the Duke of *Ormond*, and in case that design should not take place, that then, *Fogarthy* should do it by Poyson, (*Fogarthy* himself being there at that time.) That before the end of the Consult, Mr. *Coleman* came in, and earnestly prest the dispatch of *Fogarthy* for *Ireland*, to do the Work. The same Letter did also say, that they were ready to rise in *Ireland* for the Pope.

The Witness being asked if he knew any thing of *Arms*: Gave Evidence, That 40000 Blank Bills were provided to be sent into *Ireland*. And that another Letter from *Talbot*, (of *January* or *February* last) said they were furnished by the Popish Commission-Officers, and that they had them ready in *Ireland*.

That *Coleman*, *Fenwick*, and the Witness, being together in *August* last, in *Fenwicks* Chamber, in *Drury Lane*, without any other company, *Coleman* told *Fenwick* that he had a way now to transmit the 200000 Pounds for carrying on the Rebellion in *Ireland*, which he said to this Deponent also a Week before; so that Mr. *Coleman* was privy to it, and a prime Actor in it.

The Witness was now examined about Transmitting money to *Windsor*, or persuading the sending of any thither, and the time; who deposed as follows:

That Dr. *Fogarthy* proposed, and provided four *Irish* *Ruffians* to be sent to *Windsor*, in *August* last, and they were dispatched the same night. That the next day, one *William Harcourt*, Rector of *London*, sent four score pounds to them, in the name of the Provincial, who was then beyond the Seas: And by whose Authority the other acted. That Mr. *Coleman* told the Witness, that he had been to look for *Harcourt* at his house in *Drury Lane*, and was there directed to *Wildhouse*, where he found him. And *Coleman* asking what care was taken for the four Gentlemen that went last night to *Windsor*? *Harcourt* made answer, that Eighty Pounds was ordered them; and that the Messenger was there that was to carry it. That the money was there upon the Table, most in *Guinnies*, and that Mr. *Coleman* gave the Messenger a *Guinny* to make haste. And that Mr. *Oates* never saw the Messenger, but that time.

*Asbys Instructions about the Poysoning or Murther of the King.*

The Witness was asked what he knew concerning Mr. Coleman's discourse with one *Asbby*; whose evidence was that one *Asbby* (in July last, and formerly Rector of *St. Omers*) being in *London*, and ill of the Gout, was appointed to go to the *Bath*, That this *Asbby* had certain instructions under the hand of *White* the Provincial, beyond the Seas, to Authorise *Asbby*, and the Consult of *London*; to dispatch the King, by *Poyson*, in case *Groves* and *Pickering* failed: and to offer Sir *George Wakeman* 10000*l.* to effect it; taking the opportunity of giving his Majesty Physick, That Mr. *Coleman* attended this *Asbby*; that he saw Read, and Copyed out the Instructions, and sent them over *England*, to those that were privy to the Plot, That this Deponent himself saw the Reading, and the Transcribing of them, Mr. *Coleman* declaring the sum to be too little, and that Sir *George Wakeman* would hardly undertake it upon those terms; adding; That it were well to give 5000*l.* more to make the business sure: and that this was said at *Wild-House*, at Mr. *Sanderfons* house: and that upon Mr. *Coleman's* dispatch of these *Suffrages* (the word he used for *Instructions*) to the Principal of the Catholick Gentry of *England*, some thousands of Pounds were Collected, and that *Coleman* told the Witness, that he sent these Copies about to quicken people in their Contributions.

The Court demanded if Mr. *Coleman* was not to have been one of the Secretaries of State; to which Mr. *Oates* replied thus.

Mr. Coleman's Commission for Secretary of State.

That in *May* last *New Stile*, *April*, *Old*, soon after the Consult at Mr. *Langborns* Chamber, among other Commissions he saw one from the General of the Society, *Johannes Paulus D'Oliva* (by vertue of the Popes Authority) directed to Mr. *Coleman*, and that this Deponent saw it at Mr. *Fenwicks* Chamber in *Drury-Lane*, in the month of *July*, Mr. *Fenwick* being present; and that Mr. *Coleman*, did then, and there, acknowledge the Receipt of it, open it, and say that it was a good exchange, for it made him Secretary of State, that upon the Seal, there was an *I. H. S.* with a Cross, and in *English* Characters *I. H. S.*; and that he knew this to be the writing of the said General, for he had seen it forty times.

Mr. Langborn shews Mr. Oates the Commissions.

That in the month *Jan.* the Witness opened at *St. Omers*, certain Letters from *Rome*, directed to Father *Harcourt* (he having power so to do) wherein it was certified that the Commissions were already in Mr. *Langborns* hands, which gave the Witness a curiosity to ask Mr. *Langborn* about them. Now the Witness being summoned to be at the Consult in *April*, and appointed by the Provincial to wait upon Mr. *Langborn*, he did so, and in discourse about the Commissions, asked him if he might not have a sight of them: To which Mr. *Langborn* replied, that he had received the Commissions; and that he would not scruple to let him have a view of them, the Witness giving him that very day an account of the Consult.

Mr. Oates's acquaintance with Mr. Langborn.

The Witness was asked if he were acquainted with *Langborn*, and he declared, That meeting two of Mr. *Langborns* Sons in *Spain*, and doing them some kindnesses, upon the Witnesses return out of *Spain*, Mr. *Langborn* received him with great Civility at his house, (somewhere about *Sheer-Lane*) but the Wife being zealous another way, Mr. *Langborn* advised the Witness rather to come to him for the future at his Chamber in the Temple; and that the Witness was ordered by the Provincial to give Mr. *Langborn* an account from time to time of all Results at the *White Horse*, and *Wild house*.

Being



Being interrogated how many came over in April together with the Witness, and how many Priests, and Jesuits, to his knowledg had been lately in England at one time? he answered that there were nine Jesuits, as the Rector of Leige, Warren, Sir Thomas Preston; the Rector of Watton, Francis Williams, Sir John Warner, Charges; one Poole a Monk, and the Witness the Ninth, but for the number of the rest, that he could not remember it, and that to his knowledg there had been in England, at the same time 160 Secular Priests, 80 Jesuits, and by names upon a List, above 300.

The Prisoner being now permitted to ask any questions, and speak for himself.

Mr. Coleman suggested, that upon his Examination before the Council, the Witness told His Majesty that he had never seen him before, and yet now pretends to great intimacy and acquaintance with him.

Mr. Oates alledged that in truth he said (his sight being bad by Candle-light) that he would not swear that he had ever seen him before; but so soon as ever he heard him speak, he would have sworn him to be Coleman.

It being demanded, (when the design upon the King at Windsor was before the Council) how the Witness came to omit Mr. Coleman's giving the Guiny to the Messenger; the time when the Fourscore pounds was sent; the way of remitting the 200000*l*. The Prisoner Consulting and approving of the Murther of the King; and his saying that 10000 *l*. was too small a reward for Sir George Wakeman.

Mr. Oates his answer to all this; was that his business before the Council was rather to Exhibit an Information, than to deliver a Charge; and that it gives light to a Prisoner how to shift, when he knows the whole matter of his Accusation beforehand; and that besides, he was so spent with waiting and watching, that he could scarce stand upon his Legs: And that the King and Council were sensible of it, and willing to ease him, but yet if he had been prest, he should have enlarged his Information.

The Witness being examined how long it was betwixt the time of his being Interrogated, and speaking only to the Letters, and that time of communicating to the Houses of Parliament; the matter at present in question, his answer was, from Monday the 30. of September, until the Parliament met.

The Witness was likewise asked why he did not inform sooner; and of all together, Mr. Coleman being so dangerous a person, and engaged in so desperate a design, why he did not name the Jesuits he accused. And how he came to charge Sir George Wakeman by name, and not Mr. Coleman, Mr. Oates reply was that he had been a long time accusing other Jesuites; that he spake little but where the persons were Face to Face. That he had a List of the Jesuits names, but only such as were expressly charged were taken up, and that being dosed with sitting up two nights, he forgot Mr. Coleman, but upon Consulting his papers he made up the account which afterwards he delivered.

The Prisoner urged that the Witness was just by him when he says he could not see him; and further that Mr. Oates named three or four places where he says he met him about Business: The Witness answering that the Candle was in his Eyes, and that the Prisoner stood more in the dark: and to the rest, that he wore several Peruques at several meetings; which much disguised him: but that immediately upon speaking

How many Priests and Jesuits in England at one time.

Mr. Coleman's defence.

Mr. Oates did not know Coleman at the Council.

Not till he spake, for the Candle was in his Eyes.

How came Mr. Oates to omit his Charge before the Council?

Mr. Oates's answer to the former objection.

Why was this Information delayed so long? with Mr. Oates's reasons for it.

Whether Mr. Oates knew Coleman before the Council or not.

ing he knew him to be *Coleman*, denying that the question was ever put to him whether he knew *Coleman* or no?

Sir Thomas  
Doleman ex-  
amined to  
that point.

The Prisoner still insisting upon it, that the Witness did declare before the Council that he did not know him; Sir Thomas Doleman, and Sir Robert Southwel (being Clerks of the Council, and at that time present) were examined on the behalf of the Prisoner, Sir Tho. Dolemans Evidence amounted to this, That Mr. Oates speaking of Coleman; did say before the Council, that he did not well know him; and that he said these words after Mr. Coleman was examined, adding that the Witness said, he did not know him as he stood there. And speaking of Coleman, that he had no acquaintance with that man.

It was asked Mr. Oates, in regard that he knew Coleman upon hearing of his voice, why he did not declare himself that he knew him so soon as he had heard him? To which the Witness answered, That he was not asked.

And Sir Ro-  
bert South-  
wel.

Sir Robert Southwel was now Interrogated concerning Mr. Oates his examination before the Council, and gave evidence, That Mr. Oates declared that 10000 pounds promised to Sir George Wakeman was now made fifteen, and that Mr. Coleman paid Sir George Wakeman five thousand pounds in hand. To which Mr. Coleman replied; That Mr. Oates his Charge was so slight, that the Council were not of his opinion, as appeared by the mitigation of the first Order, which was at first to Commit him to Newgate, but only now into the Custody of a Messenger. To this Sir Robert Southwel gave an account, how that Mr. Oates Examination was so general, it could not well be fixed; That Mr. Colemans Papers were found, and seized on Sunday night, and that Mr. Coleman rendered himself voluntarily at the house of Sir Joseph Williamson, on Monday Morning, hearing of a Warrant out against him: But so many other Prisoners were upon Examination, that he was not called till Afternoon, when he seemed to hear these lewd things charged upon him with great scorn and indignation.

Mr. Colemans  
Defence be-  
fore the  
Council.

The defence he made was such, that though a Blank Warrant was filled up to send him to Newgate, he was only for the present committed to a Messenger; and a special Warrant granted to the Messenger to secure him against the first Order. Upon his Majesties departure, the next day for Newmarket, a Committee being appointed to examine several Papers, and Mr. Colemans amongst others; There were found in a Deal Box such Papers as moved the Lords forthwith to sign a Warrant for his Commitment to Newgate.

Mr. Oates's  
Charge  
against  
Coleman.

The sum of Mr. Oates Charge, was his Traiterous Correspondence with the French Kings Confessor, the 15000 pounds accepted by him, and five of it actually paid to Sir George Wakeman, and the Witnesses opinion that Colemans Papers would cost him his Neck, Mr. Oates declaring, that he had the Stone, and therefore could not be present at the Consultation in the Savoy, but that he had an account of all things there from those that were upon the place.

Thus far Mr. Oates his Examination.

Mr. Bedlow sworn and Examined.

Mr. Bedlow First, what he had seen, or heard, concerning any Commission to examined. Mr. Coleman. Secondly, what discourse he ever had with Mr. Coleman concerning that matter.

Mr. Bedlow



Mr. *Bedlow* swears that he knew nothing of any Commission to Mr. *Bedlow*, Mr. *Coleman*, more than that Sir *Henry Tichbourn* told him that he evidence brought him a Commission from the principal Jesuits at *Rome*, by Order about Com- from his Holiness; and that he was to be Secretary of State, but that missions. he never saw it, nor knows the Title of it. As to any discourse with Mr. *Coleman* about it, the Witness declared, that in April (75.) Father *Harcourt* gave him a large Pacquet of Letters from Mr. *Coleman*, who in the Witnesses sight delivered the said Letters to Father *Harcourt*; that they were directed to Mr. *La Chaise*, and other English Monks, to whom he delivered the Letters, and brought back an Answer from *La Chaise*, and certain English Monks at *Paris*. Mr. *Bedlow* further declares, that there met at a Consultation two French Abbots, and certain English Monks, and that he heard them talk of a Plot upon the Government, and Religion of *England*; And that the King was to be destroyed in the first place, and the Lords of the Council; That this discourse passed upon the Consultation; And there was a Pacquet of Letters from Mr. *Coleman*, they not knowing that the Witness understood French. That the Pacquet from *La Chaise* was directed to *Harcourt*, with one to *Coleman* enclosed, and addressed A Monsieur, Monsieur *Coleman*.

Mr. *Bedlow* being examined what he knew of money received by Mr. *Coleman*; how much, and for what, gave this Evidence.

That it was to promote the subversion of the Government of *Eng-land*, to deliver it from Hellish Ignorance, and to free Catholicks from the Tyranny of Hereticks. The Witness further declareth, that being with *Harcourt* at *Colemans*, May 24. or 25. 1677. *Harcourt* delivered this Deponent another Pacquet, which he had also from Mr. *Coleman*, for the English Monks at *Paris*; and the Witness to call at *Douay*, in his passage, in case they were not gone for *Paris* before him. That upon the receipt of these Letters they applauded the merit of the service, and that upon the Consultation 1677, not having any full assurance what assistance the English Catholicks might have from abroad, they resolved to put their design in execution that very Summer, the English being in a great forwardness already. That the Witness after the Consultation gave *Le Faire* the Letters, and he carried them to *Harcourt*, and *Harcourt* (though indisposed) went and carried them to *Coleman*, and this Witness along with him, but he stayed over the way while *Harcourt* went in, who soon after gave this Witness a Beck to come over to him, and then, and there, did this Witness hear *Coleman* say, If he had a hundred lives he would lose them all to settle the Catholick Religion in *England*, and depose, or destroy a hundred Heretical Kings if they stood in his way. And this at his own house, behind *Westminster Abby*, at the foot of the Stair-case.

Here the Prisoner demanded of *Bedlow*, if ever he had seen him in his life? Whose answer was, That in the Stone-Gallery in *Summerset House*, coming from a Consult, there he had seen him.

After this Mr. *Bradley*, the Messenger that seized Mr. *Colemans* Papers, Mr. *Bradley* was examined what Papers he seized, what he saw, and how he disposed of them. To which Mr. *Bradly* rendred this account. (the Messenger) examined.

That by Warrant of Council, dated September 29. at six at night, for the apprehending of Mr. *Coleman*, and seizing of his Papers, he went accordingly, and told Mrs. *Coleman* his business, who said he was welcome. And her Husband not being at home, he desired her to send for him. That upon the search, he found a great many Papers about the house, and put them into several Bags; and looking into a private Corner in his own Chamber, in a place behind the Chimney, he found a

Deal Box tacked together with a Nail, with Letters in it, which he delivered into the Custody of one of his Assistants, to take care of it. And going then into his own Study, he searched his *Scriptoire*, and put up all the Papers he could find, in Bags without any other Papers among them; sealed them up with his own Seal, keeping them constantly in his sight, and so carried every Paper of them to the Clerk of the Council.

Sir Robert Southwel and Sir Thomas Doleman examined about M. Coleman's Long Letter.

Sir Robert Southwel, and Sir Thomas Doleman were then examined, whether or no the Papers then produced in Court, were the Papers which were brought by Mr. Bradley the Messenger: And first, Sir Robert Southwel, concerning Mr. Coleman's Long Letter; whose answer was that he had not seen that large Letter in several days after the Papers were brought to him from Bradley, remitting the account thereof to the other Clerks of the Council. Sir Thomas Doleman, in answer to the same question, declared that he found it among Mr. Coleman's Papers in a Deal Box that Bradley brought.

M. Coleman's Letters and Papers proved to be of his own hand-writing.

The next point was to prove both by his own Confession, and by two Witnesses, that all the Papers in question were of his own hand writing. Whereupon Mr. Boatman (one that had waited upon him five years in his Chamber) was first examined, who declared, that he believed all the Papers, then shewed unto him, to be of Mr. Coleman's writing; acknowledging further, that a Pacquet of Letters from beyond the Seas was directed unto him two or three days after he was made a Prisoner: Confessing also, that he had received a Letter for his Master from *La Chaise*; but denying that ever he wrote any for his Master to *La Chaise*; owning also, that his Master kept a large Book of Entries for his Letters and News: But that he knew not what was become of it, and that he had not seen it since two days before his Masters Commitment. He declared likewise, that he did usually receive News every Post, but could not say that any Letters of the two years last past were entered in the aforesaid Book.

The Prisoner here interposed that all his Letters from the *Hague*, *Bruxels*, *France*, and *Rome* were before the Council, and that these were all he had received.

One Cattaway (a kind of an *Amannensis* to him) was then examined upon those Papers, who positively affirmed them to be of Mr. Coleman's writing.

Sir Philip Lloyd proves the long Letter.

Sir Philip Lloyd was produced next, to prove the Long Letter against him, upon his own Confession: Who gave Evidence, that he received the Papers, then shewed him, from Sir Thomas Doleman, and that the Long Letter was owned by Mr. Coleman to be his own hand-writing.

The scope and substance of it.

It bare date, September 29. 1675. subscribed, *Your most humble, and most obedient Servant*, (without a name.) And it was read by the Clerk of the Crown, according to the Order of the Court, but being too long to be brought into a Breviate, and the whole Letter it self being little more than the deduction of a three years History of former Negotiations (for the greater part with Mr. Ferrier, the Predecessor of *La Chaise*) it will suffice to give this Brief of the whole: Money was the Prisoners great design, and the procuring of it, by a pretence of more power, both in the Church, and in the State, than effectually he had, is, in short the drift of that large discourse. Towards the end of it, he has indeed this bold and dangerous passage; *Our prevailing in these things would give the greatest blow to the Protestant Religion that ever it received since its Birth.*

## of the PLOT.

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To this foregoing Letter was produced an Answer from *La Chaise*, Sir Robert Southwel owning the Receipt of it, and giving Mr. Coleman thanks for it: concerning which Letter, Sir Robert Southwel declared that he found it in Mr. Coleman's Canvas Bag, the Sunday after the papers were seized: and that Sir Philip Lloyd examined it. This Letter was Read in Court by Sir Robert Southwel, first in French, and then in English; which being a very brief and pertinent proof of the Correspondence in question, we shall here insert according to the Translation of it there Exhibited.

## The LETTER.

Paris, Octob. 23.

1675.

SIR,

THE Letter which you gave yourself the trouble to write to me, came to my hands but the last night: I read it with great satisfaction, and I assure you that its length did not make it seem tedious. I should be very glad on my part to assist in seconding your good intentions; I will consider of the means to effect it; and when I am better informed than I am as yet, I will give you an account, to the end I may hold Intelligence with you, as you did with my Predecessour. I desire you to believe that I will never fail as to my good will, for the service of your Master; whom I honor as much as he deserves, and that it is with great truth that I am

Your most humble and most  
obedient servant, D.L.C.

As it was the business of the Prisoners long Letter abovementioned, first to procure money and then by his Interest, as he phantasied to himself, to work a dissolution of the Parliament: so in case of attaining that end, Mr. Coleman had by him the Draught of a Declaration, as from His Majesty, shewing the Reasons of that Dissolution; promising before the end of the next February to call another Parliament, charging all persons to forbear talking irreverently of the proceedings, and offering 20 l. to the discoverer of any seditious talker against it, unto a Principal Secretary of State.

This is in short the substance of that Voluminous Declaration; and he did not make more bold with His Majesty in this contrivance, out of his own head, then he did in another Letter of Mr. *La Chaise*, in the name of his Master the Duke of York, not only without the order and privy of the Duke, but incurring his very great displeasure upon the very mention of his project: as he himself confessed before a Committee of the House of Lords that discoursed with him in Newgate, to which point Sir Philip Lloyd deposed the truth of what is here asserted, he himself being then appointed to attend the said Committee.

The Letter itself was Read consisting most of Complement to the French Interest, and of such imaginations as might give Mr. Coleman some Credit and Authority in his future undertakings.

There was another Letter produced, which was also to *La Chaise*, and without date, it is too long to be here inserted, and the pinch of the Letter lying in a very narrow compass, we shall only give you so much of it as may be sufficient for our present purpose.



Two material passages out of it.

*We have a mighty work upon our hands, (says he) no less than the Conversion of three Kingdoms; and by that perhaps the utter subduing of a Pestilent Heresie, which has Domineer'd over a great part of this Northern world a long time: There never were such hopes of success since the death of our Queen Mary, as now in our days. And again, It imports us to get all the aid and assistance we can, for the Harvest is Great, and the Labourers but few.*

Mr. Coleman owns the Letter.

This Letter was acknowledged by Coleman to be of his own writing as attested by Sir Thomas Dolman and Sir Philip Lloyd from Mr. Coleman's own Lips. There were read also divers other Letters of the Prisoner, and one especially of August 21. (74) to the Popes Internuncio at Bruxelles where he owns the design to be *The utter Ruin of the Protestant party*, but these were never thought fit for the Press.

The Prisoner asks the Witness some questions.

The Prisoner did here crave the leave of the Court to ask Mr. Oates some questions, who (having been withdrawn to rest himself) was called again; it being also offered by the Court, that Mr. Coleman might speak with Mr. Bedlow also, but he did not desire it.

Dr. Oates's answer to them.

Here the Prisoner demanded the particular days of the months, where the Consult was held; who were present at it: To which Mr. Oates made answer, that it was within two or three days of the Consult, in *May New Stile*, and *April, Old*, which began at the *White-Horse* and was afterwards adjourned to several Companies, That there were present at it the *Provincial, Mico, Strange, and Keins*; and that the Prisoner came to the *Provincials Chamber* two or three days after the Consult. As to that at the *Savoy*, in *August, Old Stile*, the Witness would not charge his memory with the particular day, and touching the Consult in *May*, that Mr. Coleman was not present at it; but two or three days after it, approved at *Wild-house* of the resolutions before taken.

The Prisoner says he was in *Warwick-shire* when charged to be in *London*.

The Prisoner here suggests that he was fourscore miles off, in *Warwick-shire* upon the 21. of *August, Old Stile* and so for two or three and twenty days before, solemnly imprecating himself that he never saw Mr. Oates his Face, but in the Council Chamber, and now in the Court, and that he never saw Mr. Bedlow but now in the Court in his whole life.

He pleads that both Witnesses did not

Mr. Coleman did also endeavour to evade the danger of two Witnesses, by alledging that they did not both of them swear the self same fact, which was overruled by shewing that the general fact of killing the King, was sworn to by both, though not the particular manner, either of *Pistol* or *Poyson*.

He swears to the same Fact. He blames his expression and distinguishes upon the word Aid.

The Prisoner laboured likewise to extenuate the malice of his expressions, by calling them only *Extravagant*, and to expound himself, by saying that by the words *Aid* and *Assistance* was intended only *Mony* and not *Violence*, and finding that all this did not avail him, he offered proof that he was in *Warwick-shire* at the time sworn that he was in *London*, which being allowed him,

## of the PLOT.

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Boatman was called again; whose Testimony was only this, that in August last, Mr. Coleman was in Warwick-shire, all August, to the best of his remembrance; but he could not say what time of the month the Prisoner was in London, and gave no positive answer. When he was asked if Coleman was in Warwick-shire, and no where else, the Prisoner affirmed that he had been at the Lord Denbys, and Mr. Francis Fishers, at least twenty days, and so concluded with these very words, *Positively I say, and upon my salvation, I never saw these Witnesses, Oats but once, and Bedlow, never before.*

The Kings Council then sum'd up the Evidence, the Prisoner offered the same things over again, and his servant was examined as to the time of his Masters going out of Town; and of his return; but could not speak certainly to the day.

So that the Lord Chief Justice proceeded to his Charge to the Jury, whereupon the Prisoner was found Guilty of the High Treason whereof he stood Indicted, and remanded to the Prison, with order to bring him again the next morning to receive his Sentence. The Prisoner repeating what he had said before, concerning the two Witnesses.

Mr. Coleman, being brought again the next day (November 28.) to the Bar, first prayed favour for his papers, and then offered a Book, to prove him out of Town from August 15. to the 31. late at night, referring himself also (for the truth thereof) to some Papers and Books of Accompts which were then under seisure, alledging also the improbability of speaking in Company of killing the King, desiring the benefit upon the whole matter, of the Act of Grace, but his offence being since the last Act of Pardon, and his other pretensions being found to be of no weight, The Lord Chief Justice, after a grave and pertinent Speech, pronounced Sentence upon the Prisoner to be Drawn, Hang'd and Quartered, &c. according to the usual form.

After Sentence past, the Prisoner denyed the making or receiving; the knowing or hearing, either directly or indirectly, of any propositions for the destroying of the King; the subverting of the Government; or the bringing in of Popery by violence, or by the help of any Foreign power. He declared upon his Salvation, that he had given the House of Commons a true accompt of all his Books, Papers, and Correspondences, and so desiring and obtaining leave for his Wife, and some immediate Friends to come to him, he was carried back to Newgate.

Upon the Tuesday following, the Sentence was Executed upon him, at Tyburn; where he thanked God that he dyed a Catholick, renouncing upon the word of a dying man, any knowledg of the Murder of Sir Edmond-Bury Godfrey, and so was turned off.

THE



THE  
HISTORY  
OF THE  
Charge and Defence

OF

*William Ireland, Thomas Pickering and John Grove.*

The Indictment; for Conspiring the death of the King.



N the 17. of December (78.) *Thomas White* alias *Whitebread*, *William Ireland*, *John Fenwick*, *Thomas Pickering*, and *John Grove* were Indicted at Justice-Hall in the Old Bayly, for Conspiring the Murther of the King, &c. They all of them pleaded Not-Guilty, and the Jury (being Gentlemen of Quality,) was presented, and sworn, without any Challenge or Exception.

Dr. Oates sworn.

The Kings Learned Council having opened the Indictment, the Witnesses were called, and Mr. Oates first sworn, and then demanded what he knew of a design for Murthering the King, and by whom: who gave Evidence to the effect following.

Mr. Whitebread's Letter to Conyers.

That in December last, Mr. Whitebread was made Provincial of the Society; and then ordered a Jesuit at St. Omers (one *George Conyers*) to Preach against the Oaths of Allegiance and Supremacy, upon St. Thomas of Canterburies day, which he did, declaring them to be Hellish and Antichristian.

He summons a Consult.

That in January following the Provincial wrote a Letter to St. Omers unto *Richard Astby*, giving notice of his intent to destroy the King, and in February that he summoned the Jesuits to a Consult at London, upon April 24. Old Stile: The Provincial dating his Letters at that time from London.

A second summons; and who appeared upon it.

That Whitebread issued a second summons, which was received, April 3. New-Stile, whereupon Nine appeared at London; the Rector of Liege, Sir *Thomas Preston*, *Marsh* the Rector of Ghent, *Williams*, the Rector of Watton; Sir *John Harper*, and from St. Omers two or three more, who were all under a caution to lie close, for fear of discovering the design.

The Consult of April 24. at the White-Horse-Tavern.

That the first Consult, April 24. Old Stile, was at the White-Horse-Tavern in the Strand, where *John Cary* was ordered by Whitebread, Ireland, and Fenwick, to go Procurator for Rome. This Consult adjourning after that to several places, as Mr. Sanders's, Irelands, Harcourts, Groves and other places (not known to the Witnesses) in little meetings.

The Result drawn up by Mico.

That having debated upon the Matter of Religion, and the Murther of the King, Mico, the Secretary to the Society, did the same day draw up this following result:

It

It is resolved, That *Thomas Pickering*, and *John Grove* shall proceed upon their attempt upon the person of the King; and that *Groves* reward shall be 1500 *l.* and *Pickerings* 30000 *Milles*. The sum of the Result.

That this resolution was first signed by *Whitebread*, and then by *Ireland* and *Fenwick*, and likewise by all the four Clubs at the meetings before-mentioned: the Witness carrying the Instrument from one to another, and seeing them sign it; *Whitebread*, *Ireland*, and *Fenwick* signing it at that part of the Consult which past at their respective Chambers, the Witness being still present. Who signed it.

That in *May*, Mr. *Whitebread* went to *St. Omers*, upon his Provincial Visitation; and with him, *Cary* and *Mico*: *Cary* going from thence to *Rome*.

That *Whitebread* having rendred an accompt of the state of the Catholicicks proceedings in *England*, what monies Collected; what party made and engaged; what means used to promote the design, he ordered the Witness to come over into *England*, and to murder *Dr. Tongue* for publishing a Book called the *Jesuits Morals*: who left *St. Omers* June 23. *New-Style*, took Boat at *Calais* on the 24. and on the 25. met *Fenwick* at *Dover* with some youths that he was sending to *St. Omers*. Dr. Oates came over June 24. by Dover.

That the Witness coming in a Coach with *Fenwick*, and other Passengers for *London*, the Coach being searched some six miles on this side *Canterbury*, they found a Box full of Beads, Crucifixes, Images, &c. and directed to *Richard Blundel Esq*; That these things being seized as Prohibited Goods: Mr. *Fenwick* said that if they had searched him they might have found Letters in his Pocket would have cost him his life, That *Fenwick* passed by the name of *Thompson*, near the *Fountain Tavern* at *Charing-Cross*, to which place he ordered the Searchers to write to him. In a Coach to London.

That coming to *London*, June 27. after a few days, one *Astby* came thither sick of the Gout, and was advised to go to the Bath for his Cure. This *Astby* had been Rector at *St Omers*, and *Dr. Oates* declared that he brought these following Instructions from *Whitebread*. First, the offer of 10000 *l.* to *Sir George Wakeman* for making away the King. Secondly the Bishop of *Hereford* to be murdered. Thirdly *Dr. Stillingfleet*. Fourthly, That (notwithstanding the offer to *Sir George Wakeman*) *Pickering* and *Grove* might go on nevertheless. That Copies of these Instructions were dispersed among the Conspirators: And that *Sir George Wakeman* not accepting of 10000 *l.* *Whitebread* gave order for the making of it 15000 *l.* which was profered, and accepted as appeared upon their Books of Entries, and by a Letter from *Whitebread* expressing much satisfaction upon the agreement, 5000 *l.* of it being paid down in hand, by *Coleman* or his Order. Astbys Instructions from Whitebread.

That in *August*, one *Fogarthy* (since dead) was at a Consultation of the *Jesuits*, with the *Benedictines*; where *Fenwick*, and one *Harcourt* were both present. That at this Consult *Fogarthy* recommended four *Ruffians* for the attempt; which the Consultors accepted, and they were also approved of by *Fenwick*. That these *Ruffians* were dispatched away, and the next day 80 *l.* was sent them, (most of it Gold) giving the Messenger a *Guiny* to make hast. Four Ruffians hired to kill the King.

That in *August*, *Whitebread* gave advice of what he had done about the *Scotch* business, ordering *W. Harcourt* (Rector of *London*) to send *Moore*, and *Sanders*, alias *Brown*, down into *Scotland*, whither they were accordingly sent from *London*, *August* 6. in the name of the Provincial. be raised in Scotland.

Moore and  
Sanders to  
promote  
them.

The Witness swears further, that *Moore* and *Sanders* were employed to promote the design of raising a Rebellion there, which *Fenwick*, and *Ireland* had projected: sending down people under the disguise of *Presbyterian Ministers*, to put the *Scots* into a Tumult, by setting forth the sad condition of living under an Episcopal Tyranny.

The Duke  
as well as  
the King to  
be disposed  
of.

The Witness Deposeth also that they had determined to dispose not only of the King, but also of the Duke too, unless they found him (to use their own words) vigorous in promoting the Catholick Religion.

*Dr. Oates* was here examined if he knew the Prisoners at the Bar, and ordered to call them by their names, and likewise examined what he knew of *Pickering* and *Grove*s acceptance of the Conditions; whereupon he named them all.

The Sacra-  
ment taken  
and an Oath  
of Secrecy.

And concerning *Pickering* and *Grove*, *Dr. Oates* declared that he himself was present at *Mr. Whitebread*s Lodgings, when they accepted of the Conditions, but that the Consult was over, before *Grove* came thither, and that then he took the *Sacrament*, and an *Oath of Secrecy* upon it, and so agreed to it, And that a *Jesuite* (by the name of *Barton* delivered the *Sacrament*.)

The Prisoner  
says  
*Dr. Oates*  
was at *St. Omers*,  
when he swears  
himself in  
London.

Hereupon *Mr. Whitebread* interposed, That whereas the Witness says that in *April*, and *May*, he was present at such and such Consults, there were hundreds could prove that *Dr. Oates* was all that time at *St. Omers*; the Prisoner desiring to know at what time he himself received that *Sacrament*, to which *Dr. Oates* Testified that he received it, at the same time, the 24. of *April*, the Prisoner taking God to Witness he was not there.

*Cary* sent to  
*Rome*, in  
*May* or  
*June*.

*Dr. Oates* was then examined about the time that *Mr. Cary* was sent to *Rome*, and upon what business; to which *Dr. Oates* answered, that *April* 24. it was resolved that *Cary* should be sent, and that in *May*, or *June*, *Cary* was brought over by *Whitebread* to *St. Omers*, Secretary *Mico* with him, and that then *Cary* took his Journey, receiving 20 l. at *Paris* for his expences.

*Dr. Oates*'s  
Evidence a-  
gainst *Pic-  
kering* and  
*Grove*.

*Dr. Oates* being asked what he knew of any design upon the Person of the King in *St. James's Park*, declared as followeth, That he saw *Grove* and *Pickering* divers times together in the *Park*, with several Guns, (betwixt Pistols and Carbines) and that they had silver Bullets, which the Witness himself saw in the possession of *Grove*, and in the months of *May* and *June*; and that *Grove* told the Witness that he would champ his Bullets, that the wound might not be Cured, upon this *Mr. Whitebread* suggested that the Witness was at that time actually at *St. Omers*. But *Dr. Oates* averred that he saw *Grove*'s Bullets twice or thrice in *May* and *June*, and *Pickering*s in *August*.

*Pickering*s  
Penance;  
and for  
what.

The Witness was now questioned what he knew of *Pickering*s Penance, and what was his offence; who gave Evidence,

That in *March* last, *Pickering* slippt a fair opportunity (as *Whitebread* told him) for his flint was loose, and he durst not strike for fear of missing fire, and that for this neglect, he had twenty or thirty strokes: and *Grove* was censur'd too for looking not better after it. That he had seen and read this in Letters from *Whitebread*, whose hand he knew very well.

*Dr. Oates*'s  
Risque upon  
his discove-  
ry of the  
Plot.

The Witness was then ordered to speak to the business of the Russians, that were sent to *Windfor*, and how they succeeded; to which, *Dr. Oates* could say little, in regard that at the beginning of *September* last, one *Bedingsfield* had written to *Whitebread* that the Plot was discovered, and that none but such a one could do it, calling the Witness by



by his borrowed name. That this Deponent coming to speak with the Provincial at his Chamber, *Sept. 3.* the Provincial there shewed and read *Bedingfields* Letter to the Witnels; reproching, striking, and abusing him; and charging him with a discovery of the Matter to the King; and asking him with what Face he could come to him thus, after he had betray'd him. That the Witness was not only reviled, and commanded to depart the Kingdom, but was assailed in his Lodging by *Whitebread*, and others, who would have killed him if they could.

*Dr. Oates* was called upon next to speak to the Fourscore pounds: Fourscore pounds sent who gave this Evidence; that he himself saw the money at *Harcourt's* Chamber in *Dukes-street* near the Arch; and that it was given by *William Harcourt*; but for the four Irish men that were sent to *Windsor*, that he never saw them, or knew their names, or the name of the Messenger that carried it, but that the money was paid by *Coleman*, and *Fenwick* present at the payment of it: To which *Fenwick* demanding, when this was, and where, *Dr. Oates* replied that it was in *August*, and in *Harcourt's* Chamber, *Fenwick* denying that ever he saw *Dr. Oates* there in his whole life.

*Dr. Oates* being examined who signed the Resolution concerning *Grove* and *Pickering*; declared that there were at least forty that signed it, and the five Prisoners amongst the rest; and that the Witness carried it from one to another, and saw the signing of it, having been an attendant upon them ever since the Year—and chiefly at *Mr. Whitebreads*, the Provincials Chamber, where it was first signed. That *Mico* drew up the Resolution at *Whitebreads* Chamber, and all the Prisoners privy to it, That when the whole Consultation had signed it, and *Mafs* was ready to be sent, *Grove* and *Pickering* did sign it before *Mafs*, and approved of it, at the Provincials; where they all met that day to receive the Sacrament; which was delivered in a little Chappel at *Wild-House*.

As to the Oath of Secrecy, *Dr. Oates* gives Evidence that he saw *Whitebread* Administer it, to all that were there: *Mico* holding the Book (a *Mafs-Book*) but what the form of the Oath was *Dr. Oates* could not say.

*Mr. Whitebread* reasons the Matter, that he was in a very doubtful state of Health, and that he would be loth to leave the world with a lye in his mouth, how much easier it is to assert an Affirmative, than to prove a Negative, and declaring before Almighty God that the Witness had not spoken three words of truth.

*Dr. Oates* then called to mind that *Mr. Whitebread* was Authorized to grant Military Commissions, and informed that the Seals of the Office were in the Court, with which the Provincial had Sealed some hundreds. That some of them past the Seal in the time of the former Provincial; That the Commissions of the General Officers were Sealed by *Johannes Paulus de Oliva*, the General of the Order; but that the Seals for inferior Commissions were in the hands of the Provincial. That he had Sealed one to *Sir John Gage*, which was delivered unto him by this Witness, who received it from *Mr. Ashby*, but by *Whitebreads* appointment: as appeared by a Memorial which the Witness saw and read.

That *Whitebread*, when he went over, lost several Commissions with Blanks, and one ready Sealed, which was delivered in his absence unto this Witness. And that the intent of Arming, was to rise upon the Murther of His Majesty, *Ireland* and *Scotland* being already prepared to encourage an Invasion.

Dr. Oates charges Grove and three Irishmen with firing Southwark.

Dr. Oates offered something here concerning Grove, informing that he went about with one Smith to gather Peterpence; either to advance their design, or to send them to Rome: Mr. Grove faintly denying any acquaintance with the Witness, whereupon Mr. Oates informed the Court, that in December last, going to take his leave of the then Provincial; before the Witness going to St. Omers, he met there with Mr. Grove, who appointed to come next morning to his Lodging, and lent the Witness eight shillings for the hire of the Coach, by which token it appears that they were acquainted, as well as by other Circumstances, and by one very particular; when as the Witness informeth, Groves told him that He and three Irishmen had fired Southwark, and that they had 1000 l. for their pains: Grove 400 l. and the other, 200 l. a piece.

Fenwick offers the Seal of the College, and of the Town, to prove that Dr. Oates was at St. Omers April and May.

Upon the Courts examining Mr. Fenwick if he knew Dr. Oates, Mr. Fenwick owned that he did, and remembered it by divers Circumstances, but insisted upon it that Dr. Oates was at St. Omers upon April of the 24. which was the time when Dr. Oates affirms that he brought the Resolve of the Consultation to the Prisoners Chamber, and that for the month of May, Dr. Oates stirred not from St. Omers all that month, for the proof whereof, Mr. Fenwick offered a Testimony under the Seal of the Colledge, and signed by the Magistrates of the Town. To all which the Court gave a very favourable hearing, and offered time to make out a proof. But the Evidence propounded not being according to Law, the Prisoner in this point was overruled.

Dr. Oates came over to the April Consult.

Dr. Oates on the other side, affirms that in December or November he went to St. Omers, stayed there all January, February, March, and part of April, came over to the Consult of the 24. and went back again presently after it was over. That Father Warner, Sir Tho. Preston, Father Williams, Sir John Warner, one Nevil, &c. came over with him: And further, that a Lad from St. Omers being discharged the House, and having lost his money, Williams supplied him towards his going home (as he remembers) his name was Hilsley, and that they came up to London together.

And lay at Groves's.

That the Witness lay at Groves, and there was a flaxen-hair'd Gentleman, and Strange the late Provincial, that lay there besides: but that the Witness was charged to keep himself very close, Groves in the mean time, denying that Oates ever lay in his house, and confessing that Strange did, but not in either April, or May.

Whitebread denies Dr. Oates's coming up with Hilsley.

Mr. Whitebreads reply upon Dr. Oates was; that Williams and Hilsley did come up to Town together; and that Dr. Oates knew of it, but that he was not with them, nor could he be with them, for he had no orders.

The Court did here very tenderly advise the Prisoners to bethink themselves, as a very material point, if they could make it out that Dr. Oates was not in England in April or May.

Mr. Bedlow called and sworn.

Mr. Bedlow was now called and sworn and then examined what he knew of any Plot to kill the King, and by whom; who rendred this account.

He carried Letters for Harcourt.

That he had been near Five years a Carrier of Letters betwixt England and France, for the Society, and the English Monks in Paris. That the first Letter he carried, was from Mr. Harcourt, who sent for him over (being then a Lieutenant in Flanders) about Michaelmas last was four years.

That



That the Witness visiting the *English Nunnery at Dunkirk*, was kindly treated by the Lady Abbess, who entertained him six weeks in the Convent, and afterwards, recommended him to Sir *John Warner* as a Lady Ab- person fit to be intrusted either with Letters or any thing else against *England*: That after a fortnights stay, Sir *John Warner* sent him to Fa- ther *Harcourts*, the next spring he sent him with several Letters into Eng- land, and Mr. *Harcourt* gave him several dispatches from thence to *Mor- ton* and *Doway*, and other places.

That in 1676. he carried a Packet to the *Monks at Paris*, which they A Corre- communicated to the other *English Monks in France*, to whom it was spondence directed, with a Letter in it to *La Chaise*, from *Harcourt*, *Pritchard*, and betwixt *Cary*. That upon the receipt of this Packet, there past a Consultation *Harcourt* betwixt *La Chaise*, some *Monks*, and a *French Bishop* or two, by whom and *La* mention was made (as *Stapilton* an *English Monk* told the Witness) *Chaise*. of a Letter from the Lord *Bellasis*, and other *Catholicks* in the Plot; shewing in what condition affairs stood in *England*.

That from the *English Monks at Paris* the Witness was sent with a Packet addressed to Mr. *Vaughan* of *Courtfield* in *Monmouthshire*. That Mr. *Bedlow* went from thence to *Pontois*, and carried other Letters from thence into *England*; which he opened, and found to be only Prayers for the success of the design, and an earnest intreaty not to fail meeting at the *Warwickshire* Consult.

That May 25. 1677. The Witness carried over an other Packet, and delivered some Letters to the *English Nuns at Bruges and Ghent*. That coming to *Doway*, the Monks *Sheldon*, *Stapilton* and *Latham* being gone, the Witness hastened after them, and overtook them at *Cambrai*: That the intent of these Letters was to give notice of what had passed in a Consult at *Somerjet-House*, about the destroying the Protestant Re- ligion; that there was great joy in *Cambrai* at the News; and at *Paris* the Witness was informed that the Lord *Bellasis* blamed them for not keeping touch with *England*, *Stapilton* telling the Witness that nei- ther my Lord, nor the Society in *England* had any reason to blame them, for they had their Men, Mony and Armies in readines upon any occasion: from thence the Witness was dispatcht into *Spain* to an *Irish* Father, whom he overtook at *La Mora*; and from thence he went to *Salamanca*, and *St. Jago*; and so came back into *England*, and Landed at *Milford Haven*.

Mr. Bedlow sent to Paris.

Mony, Men, and Arms in readines.

That the Witness passed thence to *London*, and delivered the Letter Letters for to Mr. *Harcourt*, that he did not look into the Contents of it, but knew promoting that it tended to the same purpose with the rest, and to the advancing the Plot. of the Plot. That he was afterwards sent by *Harcourt* and *Coleman* with Letters to some *Papists* in *England*.

That in the beginning of *August* last there was a close Consult at A Consult Mr. *Harcourts*, as this Witness was informed by *Pritchard*. That it was a in *August* at Plot upon the Kings life, and that *Pickering* and *Grove* had been long Mr. Har- about it, but that for fear of failing, there were four *Ruffians* to be im- courts. ployed that would do it at *Windsor*, and that the next day, Mr. *Coleman* would inform the Witness of the success. That *Pritchard* told him further; that some being sent to *Windsor*, Mr. *Coleman* was following them, hav- ing given a *Guiny* to the Messenger that carried them their mony. And moreover; that the Witness demanded why they kept him so long a stranger to the design, they answered him that it was the Societies Resolve, and the Lord *Bellasis*'s Order, that none but those of the So- ciety, and the Actors in the Conspiracy should be made privy to it.

Conyers joy-  
ned to Pic-  
kering and  
Grove, in the  
design at  
Newmarket.

That about the latter end of *August*, as he believes, the Witness coming to *Harcourt's* Chamber, found *Ireland* there, *Pritchard*, *Pickering* and *Grove*. That their discourse was that since the *Ruffians* could not dispatch the King, *Pickering* and *Grove* should take in *Conyers*, and try if they could snap him in his morning walk at *Newmarket*. That they were all of them eager upon it, and especially *Grove*, who said that if it could not be done by surprize, it must be openly, and that at the worst it would be an honourable miscarriage; and that in spite of all discoveries the party was yet strong enough to bring it about.

*Pickering*  
and *Grove*  
to be re-  
warded.

The Witness swears also, that *Fogarthy* and *Harcourt* were there, and that *Ireland*, *Grove*, *Pickering* and the rest heard all this. That *Harcourt* promised the Witness a considerable reward, *Grove* to have 1500 *l.* if he came off, and to be the favourite of the Church; *Pickering* to have as many Masses at twelve pence a piece as would come to that money.

*Ireland* de-  
nies the  
knowledg  
of Mr. *Bed-*  
*low*.

*Ireland* denies that ever he saw *Bedlow* before that time in the Court, and bade him produce a Witness if he could, that he had ever spoken to him.

Mr. *Bedlow*  
knows no-  
thing of  
*Whitebreads*  
being in the  
Plot.

Mr. *Bedlow* was examined what he could say of the rest; and his answer was, that he charged only those three; that as to *Whitebread*; that he had heard he was deep in the Plot, but did not know it, and only knew him by sight, but that *Whitebread* and *Fenwick* had been at many Consultations.

*Grove* to put  
his 1500 *l.*  
into a  
Friends  
hand.

Mr. *Bedlow* came now to speak to *Grove's* agreement; and the 1500 *l.* His evidence was, that *Grove* was to put it into a Friends hand, but he knew not his name, nor the certain time of their agreement.

*Ireland* says  
he was in  
*Staffordshire*  
not *London*.  
Mr. *Bedlow*  
says he saw  
*Ireland* at  
*Le Faires*.

*Ireland* affirms that he was not in *London* the whole month of *August*, and offers to prove by twenty Witnesses that he was in *Staffordshire* from one end of the month to the other, and desires that Mr. *Bedlow* would name the place, and the Company where ever they were together.

Mr. *Bedlow* replied that he did not pretend to a familiarity with him, but that he had seen him often, and particularly at *Le Fairs* at *Summerfet-House* in company with several other Priests and Jesuits, upon *Ireland's* bidding him name one, Mr. *Bedlow* named *Signior Perrare*, suppose (says *Ireland*) if *Perrare* may be brought hither, at which words Mr. *Bedlow* informed the Court, that *Perrare* was a Priest, and without dispute concerned in the business.

The Reader may here take notice that the Printed Tryal has this passage in it page 45. Mr. *Bedlow* asks Mr. *Ireland*. do you know *Le Faire* and *Perrare*? To which *Ireland* replies Yes; but I never saw you in their Company, in *Summerfet-House* in my life, but Once or Twice, yes (says Mr. *Bedlow*) you have Twice at *Le Faires*.

A Doubtful  
passage in  
the Printed  
Tryal.

Here is a Contradiction in the one one part, and an Incongruity in the other, which neither finding in my own Notes, nor any notice taken of it in the Court, the Reader is left to judg if it may not be some slip in the Press.

A Plot upon  
some Noble  
Lords.

Mr. *Bedlow* gave Evidence also of his seeing Mr. *Fenwick* say Mass at *Summerfet-House*, and of another Plot discoursed of upon the lives of certain Noble Persons: *Knight* to kill the Earl of *Shaftsbury*; *Pritchard*, the Duke of *Buckingham*; *O Neale* the Earl of *Offory*, and *Obrian* the Duke of *Ormond*.

Mr. *Oates*

Dr. Oates informs the Court of a Consult he had forgotten, where there was a Plot laid to kill the Duke of Ormond, and raise a Rebellion in Ireland, declaring that in January last, Fenwick, Ireland, and Whitebread had the perusal of some Letters from Talbot sent to London, which they Communicated to the Society at St. Omers. The Letters speaking to this effect, that the Catholics stood fair to do their business in Ireland. And the Witness also swears, that he saw a Letter under Covert, signed by Whitebread, Ireland, Fenwick, &c. of thanksgiving for their hopes in Ireland, and declaring withal, that no stone should be left unturned for the extirpation of that abominable Heresie out of that Kingdom.

That Fenwick, about the 21. of August, a little before his going to Mr. Fenwick St. Omers, to bring home the Provincial, was at a Consult, and did there consent to a design upon the Duke of Ormonds life, and the moving of a Rebellion, after his death; and likewise approve of the four Jesuites that were to do the work, and of sending Fogarthy over to Talbot, in case the four Jesuites should not do their business. And also that Mr. Whitebread agreed to it, at his coming over, as may appear by his Books of Entry; for a Letter from Mr. Whitebread, dated as from St. Omers, about the latter end of August, and taxed at but two pence, made this Witness suspect that it was written nearer hand: In that Letter Whitebread approved of the design upon the Duke, and the Witness swears that it was signed with his own hand, informing the Court, that the said Refult might be found in the Book wherein all the Consults are Registred.

Mr. James Bedlow being sworn, declareth that he did not know Ireland, That he had heard of Pickering, and Grove, and could say nothing to the Conspiracy against the King, but he had heard his Brother talk of the Priests and Jesuites, as people that he knew, and that many of them visited his Brother. That he had fetched many sums from them for his Brother, (as 50 or 60 l. at a time) as he had proved to the Duke of Monmouth, the Lord Chancellor, and Lord Treasurer; from the persons that paid the money.

Mr. James Bedlow being examined what he had heard his Brother say concerning Mr. Ireland, and how long he had known him, made answer that he had heard his Brother speak of him, but where, or in what place, he could not tell.

Mr. Ireland urged that Mr. Bedlow made mention of one place, some three years since, and that it was at Paris, and that if he talked of him so long, he must have known him so long; whereupon the question being put to Mr. Bedlow how long he had known Mr. Ireland, Mr. Bedlow made answer that he had only known him since August last; but that a man might talk of people that he never saw in his life.

Mr. William Bedlow, with his Brother, did now withdraw, and Dr. Oates speaking to the summoning of a Consult, did aver that he heard Mr. Whitebread ask Mr. Peters, if he had summoned the Consult, as he directed, him and that Mr. Peters answered him, Yes, and that he had written into Warwickshire and Worcester-shire about it.

There was now a Letter produced from Mr. Peters a Prisoner about this Plot, Sir Tho. Doleman declaring in Court, that he found it amongst Harcourts papers, the hand being likewise sworn by Dr. Oates to be Mr. Peters hand; which Letter, as it follows, was read in the Court.



Feb. 23. 1677.

These for his honored Friend Mr. *William Tonstal*, at *Burton*.

Honored Dear Sir,

I Have but time to convey these following particulars to you. First I am to give you notice, that it hath seemed fitting to our Master Consult Pro, &c. to fix the 21. day of April next, *Stylo veteri*, for the meeting at London of our Congregation, on which day, all those that have a suffrage are to be present there, that they may be ready to give a beginning to the same, on the 24, which is the next day after *St. Georges-day*, you are warned to have *jus suffragii*, and therefore if your occasions should not permit you to be present, you are to signify as much, to the end others in their ranks be ordered to supply your absence: every one is minded also, not to hasten to London long before the time appointed, nor to appear much about the Town till the meeting be over; lest occasion should be given to suspect the design; finally, secrecy, as to the time and place, is much recommended to all those that receive Summons, as it will appear of its own nature necessary.

Tertio pro Domino Solono disco.  
Benefact. Prov. Lunienfis.

I am straitned for time, that I can only assure you, I shall be much glad of obliging you any ways: Sir,

Your Servant *Edward Petre*.

Pray my service where due, &c.

*Mr. Whitebread* declared that he knew nothing at all of this Letter, and *Mr. Ireland* that it was none of his Letter, and that he had not heard of it before in particular.

Upon this matter, *Sir Thomas Doleman* informed the Court, that *Dr. Oates* gave an account of this Consult to His Majesty and Council, four or five days before this Letter was found.

The Seals brought into the Court.

The Seals were now produced in Court, *Dr. Oates* affirming them to have been seized in the Provincials Chamber, and *Mr. Whitebread* confessing as much.

The Jury discharged of *Mr. Fenwick* and *Mr. Whitebread*.

The Jury were now discharged of *Mr. Fenwick* and *Mr. Whitebread*, upon a tenderness of not screwing up any Evidence to an over rigorous construction; so that they were taken from the Bar, to attend the event of a farther discovery.

The Prisoners being now called upon to make their defence, with an assurance that their Witnesses should be fairly heard, and a free Ingress and Regress allow'd them, without trouble, *Mr. Ireland* came on first, alledging,

*Mr. Ireland* proves his being in *Staffordshire*.

That there were not two Witnesses against him, for he could not be at *Harcourts Chamber* in *August*, being that whole month out of Town, That he went into *Staffordshire*, *August* 3. in company with the Lord *Aston*, his Lady, and his Son, *Sir John Southcot*, and his Lady; and that *Mr. John Aston* can Witness for him, he being in *Staffordshire* all *August*.

*Mr. Aston* was then called, but did not appear, *Mr. Ireland* complaining that he had not liberty to send a Note to any body: but it appeared that his Sister was free to solicit his business.

Upon



Upon *Ireland's* denial of his being in Town in *August*, *Sarah Pain* (whom *Grove* owned to have been formerly his servant) was sworn, who gave this Evidence; That she knew *Mr. Ireland*, and that she saw him at his own house about a week after the Kings going to *Windsor*, who went about the 13. of *August* so that about the 20. she saw him, and it was at a Scriveners in *Fetter-Lane*. That she knew him very well, for he came often to *Mr. Groves*, and opened all the Packets of Letters, which her Master delivered afterwards, and Sealed those that went beyond Seas.

*Sarah Pain* swears that she saw *Mr. Ireland* at his own door at a Scriveners in *Fetter-Lane*, about *Aug. 13.*

There was then called *Ann Ireland*, on the behalf of the Prisoner, who informed that *August 3.* *Mr. Ireland* set out for *Staffordshire*, and continued there till about a fortnight before *Michaelmas*. Upon *Mr. Ireland's* denying that he knew *Sarah Pain*, she minded him of her bringing him divers Letters, that came by the Carriers, as well as by the Post, to which *Mr. Ireland* replied, that it might very well be so, and yet he not remember it.

*Mrs. A. Ireland* proves *Mr. Ireland* in *Staffordshire*.

*Mr. Ireland's* Mother (*Eleanor Ireland*) was then called, who declared that he went, and returned, as was informed by the Daughter, and that she and her Daughter lay in the same House with him, all the time: whereupon it was objected, that he might go from the House and come again, as is suggested, and yet be in *London* in the mean time.

And so does *Mrs. Eleanor Ireland*.

*Dr. Oates* declared that he was with *Mr. Ireland* in *London*, to take his leave of him, betwixt the 12. and 24. and that he saw him afterward with- in the month of *August*, at *Mr. Fenwicks* Chamber: and further, that upon the first or second of *September* he himself had 20 s. of him in Town, which *Mr. Ireland* said was a most false lie, he being then in *Staffordshire*; and he minded them of a contradiction in the Witnesses, the one speaking of him as going to *St. Omers* the 12. and the other charging him with being at *Harcourts* Chamber at the end of the month; which was solved thus, that he might be going, or pretending to go and yet not go.

*Dr. Oates* swears *Mr. Ireland* in *London* at that time.

There was next produced one *Harrison*, the Coachman that carried him down, who informed; That he met the Prisoner (*Mr. Ireland*) in the evening at the *Bull Inn*, in *St. Albans*, and Travelled with him till the 16. that he knew not whether he came from *London* that day, or not; and that he had never seen him before. That he was a servant to *Sir John Southcot*, who married the Sister of the Lord *Aston*, and that he carried the Prisoner to *Tixal* the Lord *Astons* House: That after three or four days stay at *Tixal* he went to *Nantwich*, and so to *Westchester*, where he left him, and that he was now called up to Town by a Messenger the night before.

*Harrison* proves *Mr. Ireland* in *Staffordshire*.

*Mr. Ireland* gives this account of his passage, That *Aug. 3.* he went out of *London* to *Standen*, where he lodged that night and the next, and on the 5. went to *St. Albans*, going out of his way for *Sir John Southcot* and his Ladies Company, who he knew were to meet the Lord *Aston* and his Lady at *St. Albans*; and being asked how he could prove himself to be that whole month in *Staffordshire*, when yet it appears that he was in *Westchester*, *Mr. Ireland* made answer that he was in *Staffordshire* and thereabouts: And that he was at *Wolverhampton*, he desired *Mr. Charles Gifford* might be called to bear him Witness; who gave Testimony, that from a day or two after *St. Bartholomew* he continued there till the 9. of *September*, and could say too no more.

*Mr. Ireland's* journal of his passage into the Country.

*Mr. Gifford* and his Witnesses it

*Mr. Ireland* then reflected upon the credit of *Dr. Oates's* Testimony, having been told that he broke Prison at *Dover*, and other ill things of him; so that he offered it as reasonable, that some Witnesses might be brought to attest his Reputation, desiring time to produce more Witnesses, having Witnesses already to prove that there are more, and naming *Hilsley* for one that would prove, that when *Dr. Oates* said he came over with him, *Dr. Oates* was all that time at *St. Omers*, but (*says Ireland*) no man can answer to a charge he was not aware of.

*Mr. Ireland* reflects upon *Dr. Oates's* Testimony.

G Sir Denny

Sir Denny  
Ashburn-  
hams Evi-  
dence.

Sir Denny Ashburnham being solicited to appear, and testify what he could say concerning Dr. Oates, was now called; and he informed that upon a Letter received that morning, with the copy of an indictment of Perjury against Dr. Oates, from the Town of *Hastings*, for which he served, he sent them to Mr. Attorney, but it being only a Certificate, and the Indictment not proceeded upon, and no warrantable Evidence, and neither for nor against the Prisoners, it was not thought worth a reading. Sir Denny Ashburnham's information was, that he had known Dr. Oates from a child, and that in his youth he was looked upon to be a person not much to be confided in, that being the night before importuned by the Sister of Mr. Ireland to give Evidence for the Prisoner, he refused so to do, declaring that he could not speak any thing to his advantage: for though perhaps having known Dr. Oates in youth, he might have suspended in his belief upon Dr. Oates his single Testimony, yet finding it so seconded, he was clearly convinced, and satisfied with the truth of the thing, and he declared farther that he could say nothing to take off Dr. Oates Evidence. That the matter of the Indictment in question was only Dr. Oates swearing the Peace against a man, and saying that there were Witnesses could prove such a Fact, which they would not do when they were called.

Mr. Ireland  
pleads his  
Loyalty.

Mr. Ireland pleaded the Loyalty of himself, and Family, his Relations plundered, an Uncle killed in the Kings service, the *Pendrels*, and the *Giffords*, that preserved the King after his Defeat at *Worcester*, and so only desiring time for more Witnesses, he remitted himself to the Court.

Mr. Groves  
denies that  
Dr. Oates  
ever lay at  
his House.

Mr. Groves said little more than that Dr. Oates never lay at his House, and that he never saw him take the Sacrament at *Wildhouse*, as he could prove, if he were able to send for Witnesses, his Sister declaring that she never saw Dr. Oates there, at her Brothers House (Dr. Oates deposing that he was there in a disguise, and by another name.) The Prisoner concluding all with these words. *As I have a soul to save, I know nothing of this matter charged upon me.*

Mr. Pickering  
swears  
that he was  
never in  
Mr. Bedlows  
Company.

Mr. Pickering affirms that he never shot off a Pistol in his life, that he never saw Dr. Oates that he knew of; offers to swear that he never was in Mr. Bedlows Company; urges that his Father was slain on the Kings side, and pleads that he had no time to summons his Witnesses.

The three  
Prisoners  
found Guilty  
and Con-  
demned.

After the Lord Chief Justice had given his directions to the Jury which were exact and impartial, together with some learned reflections upon the errors of the Church of *Rome*; the Jury went out to consider of their Verdict, and in a short time came in again, and returned the three Prisoners severally Guilty of the High Treason whereof they stood Indicted, and so the Court adjourned till four in the Afternoon: when meeting again, according to their adjournment; Mr. Recorder, after a grave and weighty discourse upon that occasion, pronounced Sentence upon the Prisoners according to the usual form in such cases, which Sentence was accordingly Executed upon Ireland, and Groves; January 24. at the common place of Execution, Pickering being Reprieved till May 9. 1679. when he likewise suffered death according to his Sentence.

*The History of the Charge and Defence of Tho. Whitebread, Will. Harcourt, John Fenwick, John Gavan, and Anthony Turner.*

**T**HERE were tried by an *Oyer and Terminer*, at the Sessions-House at *Old Bayly*, *June 13. 1679.* Five Jesuits and Priests, that is to say, *Tho. White*, alias *Whitebread*, (Provincial of the Society in England) *Will. Harcourt*, Rectour of *London*, *John Fenwick*, Procurator for the Society, *John Gavan*, and *Anthony Turner*, upon an Indictment of High Treason, for a Conspiracy against the Life of the King, the overturning of the Government, and the destruction of the Protestant Religion. There was also a Sixth brought to the Barr, one *James Corker*, but upon his Petition to the Court for longer time, in regard that he had not sufficient notice for the producing of his Witnesses, and the preparing of his Defences, he was, for the present, set aside.

The Indictment being read, *Mr. Whitebread* represented to the Court, that having been tri'd on the 17. of *December* last, upon the same Indictment, the Jury impannell'd, and the Evidence found insufficient that was brought in against him, and the Jury discharged without Verdict, he was informed that no man could be tried, and have his Life put in jeopardy twice for the same Cause; and therefore made it his Suit, that he might have Counsell to direct him upon that point in the matter of Law. He pressed that his Life was in jeopardy, being deliver'd over in Charge to the Jury; and cited *Sayer's Case Eliz. 31.* who having pleaded to a former Indictment for a Burglary, was Indicted a second time; the Judges declaring that he could not be Indicted again for the same Fact. He desired a fight of the Record, and to be informed whether or no, being come upon his Trial, a man ought not to be either Condemned, or Acquitted. Upon which motion and proposal it was opened unto him,

*Mr. Whitebread* pleads that a man ought not to be tri'd twice for the same Fact.

That the Jury being discharg'd of him, his Life was in no danger; and that the Jury being sworn to make true deliverance of the Prisoners in their Charge, their Charge is not full till the last Charge of the Court, after Evidence. And farther, that their Plea was not to be supported without a Record; and moreover that there was no Record of *December 17.* concerning them, for there was no Verdict, because there was no Trial, nor was it the same Indictment, but contained new matter. Upon which, *Mr. Whitebread* submitted himself to the Court.

His Plea answered, and overruled.

*Mr. Fenwick* offered the same Plea with *Mr. Whitebread*, enlarging himself upon it; That they Two were in the same danger with the other Three that suffered, for if *Mr. Bedlow* (who declared he could say nothing against them) had given the same Evidence as against the rest, they should have been likewise Condemned: so that the Evidence falling short, he supposed that they ought to have been discharged.

*Mr. Fenwick* pleads the same with *Mr. Whitebread*.

The Court proceeded now upon the Prisoners, who did all plead *Not Guilty*; and the Jury being called, they did unanimously Except (without naming them) to all those persons that had served before as Jury-men in the same Cause.

The Prisoners challenge all that serv'd in the former Jury.

When the King's Counsell had opened the Indictment, *Mr. Oates* was the first Witness called, and sworn: who giving the Court to understand,

*Mr. Oates* sworn.



that he should have occasion for several Witnesses, which he desired might be called in, Mr. Gavan objected against it, for fear of giving them Instructions; so that Mr. Oates giving in their Names, a note was taken of them, and they were sent for to be in readiness upon occasion, and then Mr. Oates came to his Evidence, declaring,

His Charge upon Mr. Whitebread for his Orders to Conyers.

That Mr. Whitebread was made Provincial December last was twelvemonth, and ordered Conyers to preach this Doctrine in the English Seminary upon S. Thomas of Becket's day, That the Oaths of Allegiance and Supremacy were Antichristian, Heretical, and Devilish: which was done accordingly.

Mr. Whitebread charg'd for a Correspondence with Father Talbot.

And that Whitebread wrote Letters in January, or February, to S. Omers, of what Talbot had written to him about the State of Ireland; which was, That thousands would be in readiness to rise when the Blow was given: signifying by the word Blow, as was usual among them, the Murder of the King. Farther declaring, that this Expression was in Whitebread's Letter, and that he said (for the Blow) he hoped it would not be long first.

The Resolve of Apr. Consult sign'd.

That in January Whitebread sent two Jesuits to see how things were in Ireland, of whose Return in April Whitebread delivered an Accompt: mentioning a Consult appointed in April, old stile, May, new; where there met Whitebread, Fenwick, Harcourt, and Turner, who did all of them sign the Resolve; Whitebread at Wild-House, Fenwick in Drury-Lane, Harcourt in Duke-Street. That the Consult began at the White-horse Tavern in the Strand, where Cary was made Procurator to be sent to Rome: after this they Adjourned into small Meetings, at Whitebread's Chamber, Ireland's, Harcourt's, Fenwick's. The Witness durst not charge Mr. Gavan with this point.

The Substance of the Resolve.

That the Resolve signed as aforesaid, was, that Pickering and Grove should proceed to dispatch the King; (as a good Expedient.) And that after this Consult, the Witness and 8 or 9 more returned to S. Omers, and in June Whitebread went over to Flanders, (being Provincial) to look to his Charge; where, upon discourse with some of the Fathers, he had this Expression, That he hoped to see the ——— at Whitehall land safe enough; and that if the Brother should appear to follow in his Footsteps, his Passport should be made too.

Mr. Oates landed at Dover June 15. and came to London about Noon, June 17.

That June 13. old stile the Witness came for England by oyster, took boat at Calais on the 14. and on the 15. betimes in the morning landed at Dover, where Mr. Fenwick was with some Students that he was sending over. That Fenwick, the Witness, and some others took Coach, baited at Canterbury, and when they came six miles farther, there was a Box taken by the Searchers, directed to the Honourable Richard Blundell, Esq; at London, and brought up by Mr. Fenwick. It was full of Beads, Crucifixes, and the like: and Fenwick desired the Searchers to send it with a Letter for Mr. Thompson, (so he called himself) to the Fountain Tavern near Charing Cross. He swears farther, that Fenwick said, if they had searched his Pockets, as they did his Box, it might have cost him his Life; for he had Letters there about the Concern in hand. That he came to London about noon, June 17. old stile; and that in July, one Ashby (or rather Thimbleby) and Fenwick brought over Instructions from Whitebread, for the offering Sir George Wakeman 10000 li. to poison His Majesty, and for the filling up of a Blank Commission for Sir John Gage, to be an Officer in the Army; and that by Fenwick's own order the Witness gave it one Sunday into Sir John's own hand; the Commission being filled at Wild-House by Whitebread's order, but signed and sealed by Whitebread, who ordered Ashby in July, while he was at S. Omers, to have it filled up: which Order the

Instructions to poison the King, and issue out Commissions.

the Witness saw, and knew the hand. That there were present at the filing of it up, Mr. Harcourt, Mr. Ashby, and Mr. Ireland: and that Fenwick and Harcourt did counsel Ashby upon his leaving of the Bath, (whether he went about the latter end of July,) to take his Circuit in Somersetshire, and possess the people there with the matter; not doubting but the Gentleman at Whitehall would be dispatch'd before he came back.

As to Mr. Gavan, Mr. Oates declares, that seeing him in the Lobby, disguis'd in a Periwigg, and one enquiring if he knew him, the Witness did not then well know him in that dress, and so gave no Information against him at that time; not conceiving the mystery of it, knowing him to have a very good head of hair of his own.

That Mr. Gavan, in July 1678. informed the Fathers at London how things went in Staffordshire and Shropshire, and how industrious Father Ewers was to order matters in those Countries. The Letter did not say from what place, neither did the Witness at first know the hand, but afterwards he did, as he shall make appear; and it was July, or August, that the Witness saw Mr. Gavan at Mr. Ireland's Chamber. Mr. Gavan here interposed, upon his Salvation, that he was as innocent as a Child unborn: which gave the Court occasion to forbid the Interrupting of the Evidence.

Mr. Oates declared likewise, that meeting Gavan at Ireland's Chamber, he gave Ireland the same Account of Staffordshire and Shropshire, as he had before in his Letter: and for the proof of his hand, the Witness saw him draw a Bill for payment of money to some little Priest; which was the same Writing with that Letter. That Gavan talked of Two or Three thousand pounds that would be ready thereabouts for the design.

That betwixt August 8. and 12. Ireland took leave of the Witness, and others, at his own Chamber, as if he were going to S. Omers; and that he leaving the Town, Fenwick, in the other's absence, executed the place of Treasurer and Procurator. That August 21. Fenwick, Harcourt, Keins and Blundell were together at Wild-House, and 80 li. before them, the greater part in Guineys; which was for those that were to kill the King at Windsor: and that the matter being agreed, Coleman came, and gave the Messenger a Guinny to quicken him in his dispatch. That from Wild-House they removed to Harcourt's Chamber for the Papers that were to goe to Windsor: and that there the Messenger received his money.

That a day or two after this, Fenwick and Harcourt being at a Consult at the Benedictines, he had fresh News out of Ireland, from Talbot, of a Design upon the Life of the Duke of Ormond: he enquiring how things stood in England, and desiring Commissions, and Money, for advancing the Design. That Fenwick sent Commissions (as he told this Witness) to Chester, by an Express; but concerning the Letters by the Post, the Witness speaks his own knowledge. That Mr. Fenwick delivered his Witness some money for necessary Expences, charging him to get some Masses said for the Success of the Undertaking. That August 25. after noon, he saw Fenwick at his Chamber, he being next day to depart for S. Omers, with 8 or 10 Students: after which time the Witness never saw him more till he was in Custody.

That the first or second of September, a Letter coming from Mr. Whitebread that was charged but two pence, and yet passed for a forrein Letter, the Witness concluded that Mr. Whitebread lay close somewhere in England. That September 3. the Witness went at night to visit Mr. Whitebread, but could not speak with him, because he was at supper: but that next morning he gave the Witness ill Language, and Blows, asking him how he could look him in the face, having done so falsely by him. And that the

Mr. Ashby went to the Bath about the latter end of July. Mr. Oates did not know Mr. Gavan in the Lobby.

Mr. Oates his Charge against Mr. Gavan.

Mr. Oates knew Mr. Gavan's hand, having seen him write a Bill for payment of money. Mr. Ireland takes leave of the Witness. Money sent to the Russians; and Coleman gives the Messenger a Guinny.

A Consult at the Benedictines, and News from Ireland of a Plot upon the Duke of Ormond.

Sept. 3. Mr. Whitebread being at supper, M. Oates could not see him till next morning; and was then abus'd.

the Witness asking him what injury he had done him; his Answer was, that the Witness had discovered the buisiness: upon this mistake, that the person to whom the Witness had communicated his Information by Dr. Tongue, went to His Majesty in the same-coloured Cloaths that the Witness wore, and Mr. Whitebread having received a description of his Cloaths, concluded it to be the Witness.

Mr. Whitebread and M. Oates friends again.

That the Witness having countenanced the matter as well as he could to Mr. Whitebread, he shewed the Witness a Letter from Bedingfield, informing that the Design had taken Air; and that if the five Letters sent to Windsor, and intercepted, had not made the rest look like a Counterfeit, all had been spoil'd.

Mr. Whitebread overjoy'd at Sir Geo. Wakeman's accepting the 15000. li.

That the Witness having pacified Mr. Whitebread, he offer'd to be friends with him, upon condition he would tell him the person, and the Minister that went with him. Mr. Oates declared this to be all he had to say to the Prisoner at the Barr, saving onely that upon Sir George Wakeman's refusing to payson the King for 10000 li. Mr. Whitebread advised the adding of five thousand pounds more, and exceedingly rejoiced to find it accepted.

Concerning Mr. Turner, and his being present at the Consult in April, and signing the Resolve of Murthering the King, Mr. Oates has something to say.

Mr. Gavan summon'd to the Consult of April.

As to Mr. Gavan, Mr. Oates swears that he was summoned to the Consult of April 24. but cannot swear he was there, but onely that he saw his Name to the Resolve, which was all one with the Letter about Staffordshire, the Witness still declaring, that he never saw Gavan write any thing but the afore said Bill of Exchange.

Mony rais'd to carry on the Design.

That Whitebread, Fenwick, Harcourt and Turner were there, and that the mony was raised for furthering the Design of destroying the King and Government. That Gavan wrote a Letter to Mr. Ireland, which he received by the hands of Grove, for the taking up of mony: declaring farther, that that Letter was received by Grove, and delivered to Ireland, giving an account of the affairs of Staffordshire as is before related: and that this Account was given in London the Beginning, or Middle of July, when Mr. Asbby was in Town.

Asbby in Town the Beginning or Middle of July.

Gavan objects that M. Oates varies in his story.

Here Gavan alledged that Mr. Oates said but even now, that it was in the latter end of July: upon which Mr. Oates moved that the Witness might be examined by the Court, and not by the Prisoners, that would put things upon the Evidence which they never said.

The Prisoners put cross questions to the Witness.

After this the Prisoners put several Questions to the Witness. Whitebread ask'd him how long he had known him before the April Consult. Mr. Oates answered, that he never saw his face before. Mr. Whitebread demanded how he was to be employed, and what Recompence. Mr. Oates told him, that when he left S. Omers, he was to wait upon the Fathers at Mr. Whitebread's Chamber, and to carry the Result from place to place, where respectively they met.

Mr Oates stay in England was under 20 days.

To Fenwick's Questions, If Mr. Oates was at the White-Horse Tavern, if he din'd there, how long he stayed in Town, who came over with him, and their Names, Mr. Oates made Answer, That he was at the White Horse, that he did not dine there, that his stay in England was under Twenty days, and that he could not punctually remember who they were that came over with him, it was so long since. Whereupon Mr. Fenwick told the Witness, that he need not charge his memory, for he had them in his Narrative. Mr. Oates, upon this, naming divers of them, as Father Williams, the Rectour of Watton, the Rectour of Liege, Sir John Warner, Sir Thomas Preston, &c.

Mr. White-



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Mr. *Whitebread* asked the Witness, if Mr. *Nevil* and Sir *Robert Brett* were there, he having said so in his Narrative. Mr. *Oates* answered, that he believed that they were there.

The Prisoners offer Mr. *Oates's* Narrative for Evidence.

Mr. *Fenwick* offered Mr. *Oates's* Narrative, as an Evidence upon Oath, being sworn before a Justice of the Peace; insisting upon it, that his Evidence in Court ought to agree with his Narrative. But he was answered, that they were to proceed according to Law, which would not admit a Pamphlet in Evidence.

Mr. *Gavan* demanded of Mr. *Oates*, whether it were in August, or July, that Mr. *Oates* saw him, what time of the month, and whether before Mr. *Ashby* went to the Bath, or not. To which Mr. *Oates* replied, that it was towards the middle or latter end of July, that he saw the Prisoner in Town, *Ashby* being then also in Town, and *Gavan* telling the Witness that he would go see him; the Witness declaring particularly, that about Mid-July *Ashby* came to Town, stayed not above a fortnight, designing for the Bath, and that at this time it was that *Gavan* communicated the subject of that Letter.

Mr. *Gavan* seeks to entrap M. *Oates* about *Ashby's* being in Town.

*Gavan* demanded of the Witness, in which of the two weeks it was (*Ashby* staying but a fortnight) that Mr. *Oates* saw him in Town. The Prisoner expounding to the Court the Intent of that Question, that he might endeavour to disprove it either in the one week or in the other. But Mr. *Oates* could not charge his memory with the precise Week.

*Gavan* presses Mr. *Oates* upon a precise Week; which he does not remember. *Gavan* opposes M. *Oates's* Evidence with a solemn Imprecation.

Mr. *Gavan* put it then to Mr. *Oates*, how often he had seen him in London. Whose Answer was, *only one day*, but two several times that day, as he remembered, by the token that an Apothecary brought Mr. *Gavan* a Cordiall in the afternoon to Mr. *Ireland's* Chamber, he being then and there indisposed. That the Apothecary was called *Walpoole*, but that the Witness could not say whether it was he himself that brought it, or his servant. Mr. *Gavan* brake out here into this Expression, *I do as truly believe that there is a God, a Heaven, and a Hell, as any one here does. As I hope for salvation, as I hope to see God in Heaven, I never saw Mr. Oates before that day in January, when he says I had the Periwigg on, and he did not know me. And as for July, I call God to witness, I never saw him then. Upon my salvation, I was not in London.*

Liberty being allowed to the Prisoners to ask any Questions in their own defence, Mr. *Turner* asked Mr. *Oates*, if *Whitehall* was not the first place that ever he saw him in, when he told the Prisoner that he went by another name. Mr. *Oates* told him, that in that Disguise, and beastly Periwigg, he did not so well call him to mind; and that he did not consider Names, but he was the Man. He saw him at the Consult, where there were 40 or 50 in the Meeting. That he could not say he saw him at the *White Horse*, but at Mr. *Fenwick's* Chamber he did. *Turner* laid hold of that, and minded him that at *Whitehall* he said it was at *Wild-House*: which Mr. *Oates* explained, by telling the Court, that in regard the greatest business was done at *Wild-House*, they called all Consults the Consults of *Wild-House*.

The Prisoners charge Mr. *Oates* with Mistakes.

Mr. *Oates's* Answer to it.

Mr. *Dugdale* being sworn, was Examined what he could say of *Whitebread* and *Harcourt*, but to begin with *Whitebread*. He declared, that he had seen *Whitebread* some two or three years agoe with the old Lady *Aston*, at *Tixall*, having no great acquaintance with him. But that in a Letter from Mr. *Groves* to Mr. *Ewers*, he saw one of Mr. *Whitebread's* inclosed, cautioning *Ewers* to chuse men that were hardy, and desperate, (or to that purpose) and no matter for their being Gentlemen. That he came to know Mr. *Whitebread's* hand, by looking upon him as he was writing a Letter at *Tixal*, which he gave him to convey. That his Name was to the

Mr. *Dugdale* sworn, and charges Mr. *Whitebread*.

Mr. Dugdale knows Mr. Whitebread's hand, having once seen him write a Letter.

Dugdale engag'd in the Plot by Gavan.

A Meeting at Tixall Sept. last, to kill the King, and destroy the Protestant Religion.

400 *li.* given by the Witnesses to pray for his Soul.

Forces expected from abroad.

A Massacre intended.

King-Killing made law-full.

100 Treasonable Letters seen by Mr. D.

Letter, and that it was so like the hand which the Witness saw him write, that he might almost positively swear it was the same. That he came to the sight of this Letter, by intercepting it, and reading it; and that he saw it at Tixall: all Letters coming to Mr. Ewers under cover from Mr. Groves, being directed to the Witness; the said Mr. Ewers being a Jesuite, and the Witness's Confessor.

Mr. Dugdale swears farther, that he was engaged in the Plot upon the Life of the King by Gavan and divers others. That at Mr. Ewers's Chamber, This Witness's; at Boscobel; and elsewhere; there were divers Consultations about the Death of the King, and bringing in of Popery; where, in Mr. Gavan was a great man, having a good Tongue, and the faculty of moving the people: and the Witness believeth that Mr. Ireland was then in the Country.

That at Tixall there was one Meeting about September last, where my Lord Stafford was present, Mr. Peters, Mr. Leveson, Mr. Ewers, and many more; Mr. Gavan among the rest: and the Meeting was to advise upon the design of Change of Religion, and taking off the King. That this was Sept. 21. 1678. but that the Witness hath heard it spoken of two years agoe. That upon this occasion, the Witness was by Mr. Harcourt chosen to be disposed of at London, under the Government of Mr. Parsons. That Ewers and Gavan were the first that brake this business to the Witness, Mr. Gavan often perswading and incouraging him to it. The Court appearing to be much affected with this Evidence, laid great weight upon it, as a thing wholly New to them. Upon which Expression, Gavan made an Exclamation in these words, 'Tis so to me too, upon my Soul; for upon my Conscience I never heard of it before; bidding the Witness look upon him with Confidence if he could. Mr. Dugdale presently desiring Mr. Gavan to inform the Court, whether he ever had the Witness under his Tuition or no, or knew any ill thing by him; Gavan acknowledged that he had been acquainted with Mr. Dugdale, living within 11 miles of Tixall, and conversing with the Family; and that he knew Mr. Ewers very well, but never was in his Chamber. Dugdale proceeded, That some of the discourse already given in Evidence was in the Little Parlour, and some in Mr. Ewers's Chamber. And for a farther Argument of Friendship betwixt them, that this Witness gave them 400 *li.* to pray for his Soul, and to set forward this Design, and promised them 100 *li.* more, upon their Complaint that they should want mony; Mr. Gavan assuring the Witness that he should be Canonized for what he had done.

Mr. Dugdale swears farther, that in his hearing they talked as if they look'd for Forces from abroad; and that Mr. Gavan said, that though they were in great Troubles themselves, they would yet have Men and Mony enough to spare for such a Design. And then, as to a Massacre, the Witness swears, that he hath heard it talk'd at several Consultations. But they were first advised by a Letter from Paris, that passed through Harcourt's hands, to make the Death of the King to be a Presbyterian Plot, and in case of his Miscarriage, to engage the Protestants in a Revenge upon the Presbyterian party, as guilty of the Fact; and after that, to go on to a Massacre, and those that escap'd it to be afterwards cut off by an Army.

The Witness saith moreover, that Mr. Gavan hath many times endeavoured to perswade him of the Lawfulness, if not the Merit, of Killing any body for the Advancement of their Religion; giving Reasons for it out of Scripture, and instancing in the Example of Garnet, and the Miracles wrought by his Reliques.

He declareth farther, that he hath seen several Treasonable Letters from beyond Seas striking at the Life of the King, and the Protestant Religion, which

which this Witness hath intercepted, and read, at least 100 of them, which were sent from *Harcourt* to *Emers* under a Cover from *Groves*.

The Witness says farther, that the first Intelligence they had in the Country of the Death of *Sir Edmundbury Godfry* was from *Harcourt*; that it came to *Emers* on the *Monday*, and bore date on the *Saturday* that he was Murthered. That the Intelligence was in these words, *This very Night Sir Edmundbury Godfry is dispatch'd*. It was not said by whom he was murthered, but that he was killed, and they knew by whom. Upon the sight of *Harcourt's* (or *Harrison's*) Letters, which were usually sign'd with *W. H.* which stands for both, this Witness went the next day to an Alehouse hard by, and ask'd if they heard any thing of a Knight thas was murthered at *London*: And that he had an Evidence in Court for the truth of what he deliver'd.

*Harcourt's* Letter seen by Mr. *Dugdale* about the murther of *Sir Edmundbury Godfry*.

Mr. *Dugdale* was demanded a farther account of *Whitebread's* Letters to *Emers*; who said, that he particularly remembred one, but could not say how many he had seen. Mr. *Harcourt* then asking the Witness the date of the last Letter the Witness had received from him; Mr. *Dugdale* answered, that as he remembred, it was that concerning the Death of *Sir Edmundbury Godfry* in *October*: and then *Harcourt* affirmed, that he had not written to him this year and half. Mr. *Dugdale* now applying himself to the Prisoner, minded him, that upon Mr. *Ireland's* being last year in the Country, the Prisoner was used to send the *S. Omers* Letters to Mr. *Ireland*, and so they were dispatch'd down to my Lord *Aston's*. That the Witness had the sight of *Eight* of those Letters, by the token, that he pretended to Conjure in telling the Death of Mr. *Edward Aston*, before it was known to any of his Relations; which the Witness came to understand upon reading two of these Letters. That Mr. *Ireland* took it ill that he heard it no sooner, and the Prisoner wrote him word of the sending these Letters.

Mr. *Dugdale's* account of *Whitebread's* Letters.

Mr. *Harcourt* opposed, that Mr. *Dugdale*, but five weeks since, owned before a Committee of Parliament, that he did not know him, and came also to the Gatehouse to entrap him, before the Gent. of the Committee; but he denieth that he hath written to him for several years, and the writing of any such Letter as he mentions, or that he ever approved of putting any man to death: informing, that the Gent. for Experiment-sake, desired the Prisoner to write his own hand and name, and three of them also wrote their names, and he could not say which was the Prisoner's; who does not disown all this while that he hath often writ to *Emers*, and address'd to *Dugdale*.

*Harcourt* charges *Dugdale* with contradicting himself.

Mr. *Chetwin* was now sworn to speak to a discourse that past betwixt him and Mr. *Dugdale* the last Summer, what it was, and at what time; who gave this Evidence. That being in *Staffordshire*, in a Family which Mr. *Sanbridge* (my Lord *Aston's* Kinsman) much frequented, the Gent. coming to him in *October* last, askt him if he heard any thing of a *Westminster Justice* that was killed. The Witness told him, that he heard nothing of it. I was told (says Mr. *Sanbridge*,) by a Girl of the house this morning at *Elds*, that Mr. *Dugdale* had reported such a thing there. This was upon *Tuesday* morning, and the *Saturday* following the Witness received an account at *Litchfield* that *Sir Edmundbury* was murthered. Upon Mr. *Dugdale's* coming to Town, this Witness, with some others, went to him before his Examination, the Witness asking him what he could say about that Gentleman's death; who made answer, that he remembred a Letter from Father *Harcourt* to Father *Emers* with these words in it, *This Night Sir Edmundbury Godfry is dispatch'd*. That this Witness being out of Town when the Murtherers were tried, upon his return to *London*, enquired if

Mr. *Chetwin's* Evidence concerning *Sir Edmundbury Godfry*.



if *Dugdale* was there; and finding that he was not, the Witness past this reflection upon it, that there was lost a very material Witness.

Mr. *Dugdale* dealt with to kill the King.

Mr. *Dugdale* informs, that *Whitebread* charged *Ewers* in his Letter to take none but stout desperate fellows, and that they were to kill the King; to take away the King's Life, in those very words, as the Witness remembreth. That these Letters were sent by the ordinary Post, and it being wondred at, that any man would venture such words in a Letter, the Witness made answer, that he was to have been an Actour, and that they directed their Letters to him; that if they were discovered, he should be hanged, and they come off. The Witness declaring, that he had been dealt with before by the Lord *Stafford* and Mr. *Ewers*, to kill the King. Mr. *Whitebread* demanding of him, whether he intercepted and read them himself; and the Witness replying, that he did so: whereof Mr. *Whitebread* desired the Jury to take notice.

Mr. *Dugdale* privy to the whole Design.

Mr. *Dugdale* was then examined concerning Mr. *Turner* and M. *Fenwick*; who informs, that he had seen *Turner*, *Ewers* and *Leveson*, with others, together at Mr. *Ewers*'s Chamber at *Tixall*, and in other places, about two years since; and that he had heard them discourse, and agree upon the whole design; and that this Witness had heard from *Ewers*, that *Turner* was to manage the Plot in *Worcestershire*: but that for *Fenwick*, the Witness cannot say that ever he saw him before. *Turner*, on the other side, did own that he had been 3 or 4 times in his whole Life at *Tixall*, but not so much as in *Staffordshire* for these four last years.

Mr. *Prance* told of a Plot upon the King's Life; and 50000 men ready to set up Popery.

Mr. *Prance* sworn and examined: who informs that *Harcourt* told him about a year agoe, as he was paying him for an Image of our Lady, that there was a Plot upon the Life of the King. And that Mr. *Ireland*, Mr. *Fenwick* and Mr. *Grove*, at Mr. *Ireland*'s Chamber, were saying, that there would be 50000 men in readines, to set up the Catholick Religion: and Mr. *Fenwick* told him, that my Lords *Bellasis*, *Powis*, and *Arundel* should command them: and that *Grove* afterwards told the Witness, the aforesaid Lords had Commissions to give places. The Witness deposeth farther, that asking Mr. *Fenwick* what would become of Trades-men, if we should come to have Wars; he bad the Witness never fear want of Trade for there would be Church-work enough for Images, Crucifixes, and the like. That the Witness going to Mr. *Fenwick*'s Chamber, after Father *Jacks* (his Ghostly Father) was dead, Mr. *Fenwick* would have had the Witness come to Confession to him. (This was about a week before *Michaelmas* last.) Mr. *Fenwick* denying all, the Witness minded him of a Table for the Altar that was brought him at the same time.

Mr. *Harcourt* asking the Witness if ever he had discoursed with him about any such matter; Mr. *Prance* affirmed that he had, and that he paid the Witness for some Candlesticks, one *Thompson* being in his company. *Harcourt* owning that he knew *Thompson*, and bought such Candlesticks of him.

Mr. *Bedlow*'s Reasons why he spar'd *Whitebread* in the First Trial.

Mr. *Bedlow* sworn: who informs the Court, that he declined the giving of full Evidence against *Whitebread* and *Fenwick*, for fear of disappointing a design he had then afoot, being at that time treating with *Reading* about Mr. *Whitebread* and Mr. *Fenwick*, as well as the Lords in the Tower; appealing to some of the Justices upon the Bench for the truth thereof, and referring to his Apology at that time in the Court, for keeping himself upon a Reserve. Mr. *Whitebread* asking him thereupon, if he said any such thing at the last Trial.

An account of sending the Irish-men to *Windfor*.

Mr. *Bedlow* chargeth it upon Mr. *Whitebread*, that he gave Mr. *Coleman* an account of sending the four Irish-men to *Windfor*, and that he saw *Harcourt* take out some 80 or 100 li. which money he paid upon *Coleman*'s Order,

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der, and gave the Messenger a *Guinny* from Mr. *Coleman*, to drink his Health, as *Harcourt* told this Witness, *Coleman* being gone before he came in.

Touching the Reward of *Pickering* and *Grove*; that *Grove* was to have fifteen hundred pound, with an assurance of the good will of the Lords; and *Pickering* as many Masses, as at twelve pence a piece would amount to that summe: This allotment being made at *Harcourt's* Chamber, where the Witness heard it from *Whitebread*, *Pritchard*, *Le Faire*, and *Keins*. That the Reward was for killing the King. *Pickering* having been disciplin'd for his Neglects: one while the Flint's loose; then no Powder in the Pan; and another time laden onely with Bullets, and no Powder. That he had seen *Fenwick* at *Harcourt's* and *Whitebread's* Chambers, when the thing was discoursed of, and that they all agreed upon it.

*Pickering* and *Grove* to be rewarded.

*Pickering* disciplin'd for not having his Arms Fix'd.

That he saw *Whitebread* at *Harcourt's* Chamber onely twice; *Harcourt* himself was there once, and *Pritchard* and *Le Faire*, with others, at another time: where they discoursed of Sir *George Wakeman's* sticking at the 10000 *li.* and so made it up 15000 *li.* That the business of the Consult was, first to advise upon their manner of doing it; and then what after-course to take if they fail'd. Mr. *Ireland* propounding the taking off the King at his Morning-Walk at *Newmarket*; *Fenwick*, ~~and~~ and *Conyers* to be employed, and three or four more, as the Witness was inform'd.

A Debate upon the odd 5000 *li.* to Sir *George Wakeman*.

That the Witness knew nothing of *Turner* but by hearfay. Nor of *Gavan*, more then that he had heard he was an Actour in the Plot.

As to Mr. *Harcourt*, that he was very well acquainted with the Witnesse's practice of bringing Pacquets and Portmantles from beyond Sea, having brought over several for himself. *Harcourt* replied, that the Witness never brought him but one Pacquet, and never any Portmantle; and that he never saw him more then twice, before that time in the Court, and once before the Councill. Mr. *Bedlow* informed the Court, that he had got 8 to have proved this, but the putting off the Trials so from time to time, had disappointed him of his Witnesses. Proceeding, that he had brought the Prisoner Letters from *Watton*, *S. Omers*, *Bruges*, *Paris*, *Valladolid*, and *Salamanca*, all of them concerning the Plot of changing the Religion of *England*, and overturning the Government; what Men and Moneys in readinesse, both at home and abroad, and what more expected: The Contributions and Accounts mostly in Mr. *Harcourt's* hands, the Witness having carried several papers from *Harcourt* to *Langborne* concerning this matter.

Mr. *Bedlow* brought many Pacquets and Portmantles of Intelligence to *Harcourt*.

Intelligence from *S. Omers*, *Bruges*, *Paris*, *Valladolid*, *Salamanca*.

Mr. *Whitebread* now (with leave of the Court) ask'd if Mr. *Bedlow* was a Lieutenant in *Flanders* or not; and whether of Horse, or Foot. The Witness replied that he was a Lieutenant of Foot in the P. of *Frieseland's* Regiment. Upon which Mr. *Whitebread* replied, that the *Flanders Companies* had no such Officers, but onely Captains and *Alfarez*. So Mr. *Bedlow* sent for his Commission to clear it.

Mr. *Harcourt* pleaded, that some five years since Mr. *Bedlow* brought him a Pacquet from *Dunkirk*; and that upon the opening of it, the Prisoner found the Letters enclosed addressed to other persons, to whom he sent them, the outside Cover being onely directed to him. This was the first time the Prisoner ever saw him; and the second was, when he came afterwards to his Chamber, lamenting his Condition, that he was newly turn'd Catholick, and had lost his Friends, when the Prisoner lent him 20 s. upon his promise of repaying it, but never saw him after, till lately at the Privy Councill. This was about four years since. Mr. *Bedlow* affirmed, that he had ten pounds of the Prisoner for the sending for, but he could not properly produce his Witnesses before the Trial of the Lords; and that he might honestly speak a hundred times more of Mr. *Harcourt*.

Mr. *Harcourt* denies all, and tells how Mr. *Bedlow* and he came acquainted.

Mr. Harcourt  
in the bot-  
tom of the  
Plot.

2000 li. to  
Sir George  
Wakeman, in  
part of a  
greater sum.

The Witness saith farther, That the Consult which he carried to S. Omers he had from Mr. Coleman, to whom Mr. Harcourt went with him, and in that Consult was the Main of the Design; and that he was also presented by Mr. Harcourt to the Lord Arundell, who promised him great matters when the Times were come about. Harcourt interjecting, that *he spake not one true word*; Mr. Bedlow demanded of the Prisoner, if in August or September last he was not in company with *Le Faire*, or *Le Fevre*. To which Mr. Harcourt said, he knew no *Le Faire*, but *Le Fevre* he did; and believes that he saw him then, but never since. And the Witness went on, that *Pritchard* recommended him to him, as a person tri'd and trusty, and fit to be taken into the privacy of the Design; *Pritchard* declaring to the Witness in their presence, that the Death of the King was one part of it. And the Witness says farther, that going another time from *Pritchard* to Harcourt, he saw Harcourt give Sir George Wakeman a Bill of Exchange upon some Citizen for 2000 li. Keins and Sir William Anderson being present: which Bill Sir George Wakeman read, folded up, and went and received the mony. And that Mr. Harcourt told Sir George Wakeman upon delivering the Bill, that *That 2000 li. was in part of a greater summe*. Sir George Wakeman replying upon it, that *15000 li. was but a small consideration for the securing of Religion, and the saving of Three Kingdoms*. Harcourt desired he might name the Citizen upon whom it was drawn; for it would then be found upon the Merchant's book. *Fenwick* urg'd, that it was not enough to averr that he saw a Bill of Exchange, if he cannot say from whom it came, and to whom it was directed. But the Court found that to be of little moment, Mr. Bedlow himself not being concerned in the Bill.

Mr. Bedlow's Commission for Lieutenant was read.

Sir Thomas Doleman was now sworn concerning a Letter produced in Court, who delivered that it was found about a week after that Dr. Oates had inform'd the Council of the Plot, in a Bag of Mr. Harcourt's Papers, which Sir Thomas was appointed to examine. And then the Letter it self was read.

Honoured Dear Sir,

Mr. Petre's  
Letter.

*I have but time to convey these following particulars to you. First, I am to give you notice, that it hath seem'd fitting to our Mr. Consult Prov. &c. to fix the 21. of April next stilo veteri for the Meeting at London of our Congregation: on which day all those that have a Suffrage are to be present there, that they may be ready to give a beginning to the same on the 24. which is the next day after S. George's day. You are warned to have jus suffragii; and therefore if your occasions should not permit you to be present, you are to signify as much, to the end others in their ranks be ordered to supply your absence. Every one is minded also not to hasten to London long before the time appointed; nor to appear much about the Town, till the Meeting be over, lest occasion should be given to suspect the Design. Finally, Secrecy, as to the time and place, is much recommended to all those that receive Summons, as it will appear of its own nature necessary.*

Tertio pro Domino Solone Disco  
Benefact. Prov. Lunienfis.

*I am streightned for time, that I can onely assure you I shall be much glad of obliging you any ways.*

Sir,

Your Servant,

Edward Petre.  
Mr. Har-



Mr. *Harcourt* being called upon to explain this Letter, informed the Court, that this Letter was written to one that had a Vote in the Meeting, which by the Order of the Society is to assemble once in Three years, and advise about their particular Affairs: that the chief business was about the Choice of a Procurator to be dispatched to *Rome*, wherein Secrecy was requisite, because it was dangerous to have it known. As to the Caution of not hastening before the time, or being too publick, for fear the Design should be suspected, wherein Secrecy was naturally necessary; Mr. *Whitebread* expounded it, that the Design was the getting of a Congregation, which it was prudential to keep secret, as a thing not permitted in this Nation; declaring upon his Salvation, that there was no other Reason for the enjoying of that Secrecy: offering farther, that it would be very hard to take away mens lives upon a word, that may as well bear one Construction as another: instancing in the usual way of speech, *I have a design to dine here or there to morrow*, where the word *design* is properly enough made use of. It was returned upon them, that the word *Design*, with a Caution of *Privacy*, and the Business being matter of *Secrecy in its own nature*, must necessarily imply something of greater consequence then the Election of an Officer.

Mr. *Harcourt* and Mr. *Whitebread* expound the Letter: But the Court not satisfied.

Mr. *Gavan* in Reply offer'd his Exposition, that the Jesuits in all places meeting once in 3 years for the Inspection of their Officers, and the Regulation of their Members, This was their time for their meeting here: applying the word *Design* to the great Concernment of both Worlds, which was the subject matter of this Meeting: declaring, upon his Salvation, that though he was not at this Consult himself, yet he believed that which he had delivered was the true and onely Cause of their Meeting: adding hereunto, that it being in time of the Parliament Sitting, *Secrecy was necessary*, that they might not give offence; and that it concerned them not to be taken notice of, when their Lives depended upon the Discovery. That the *Design* was the *Design* of a Congregation.

Mr. *Gavan's* Exposition of it.

Dr. *Oates* objected, that though they justify the Consult now, yet when there was but one proof of it, they denied at first that there was any such Consult. At which *Fenwick* disown'd the Denial of it.

Mr. *Bedlow* declared, That whereas Mr. *Gavan* says, that their desire of Secrecy was out of a Respect to the Parliament, he and others had been employed to bring more Jesuits into *England* in Parliament-time, then in any other; for that they were then in least danger. Dr. *Oates* adding, that they were more bold, and publick in the Lobbies and Court of Requests, in Sessions of Parliament, and not forbearing to threaten the Protestants.

Papists bolder in Parliament-time then out of it.

Another Letter was now produced, and Sir *Thomas Doleman* called to speak to't; who declared, that he found it some two days after that which was read before, among Mr. *Harcourt's* papers; and that reflecting upon Dr. *Oates's* Information to the Councill, concerning Commissions given out, and some ambiguous passages in the Letter, he, the Witness, presented it to the Councill with this *Quere* upon it: Enqu. *What is meant by the word Patents?*

It was signed *Christopher Anderton, Hilton, Febr. 1. 1673*. *Oates* representing that by *Hilton* was meant *Rome*, which *Harcourt* acknowledged. The Letter it self was now read.

Worthy Sir,

Anderton's  
Letter.

I know not from whence it proceeds, but I perceive that both your Letters and mine have bad fortune by the way; for my Correspondents with you complain they hear not from me, whereas I write constantly intire Pacquets, and since the Bills I received from your self for Sir William Goring, and for Mr. Ireland, from Mr. Shelly, I have not had one Letter but what I received this week; which in part made recompence for the former, for it brought me three of yours, and one of Mr. Ireland's, for which I render you many humble thanks, and acknowledge the fifteen pounds from my Lord Castlemain, though Mr. Ireland made no mention of it in his. We are all here very glad of the promotion of Mr. Thomas Harcourt. When I writ that the Patents were sent, although I guess for whom they were, yet I know not for certain, because our Patrons do not use to discover things or resolutions till they know they have effect. And therefore in these kind of matters I dare not be too hasty, lest some will say, A fool's Bolt is soon shot.

A dispute upon  
the word  
Patents.

There arose a great difficulty upon the plurality of the word *Patents*. Mr. Whitebread expounded it to be meant of his Patent for Provinciall; which being but one, would not have been called Patents. Which Mr. Whitebread qualified by making it a *Latinism*, and called it *Literæ patentēs*. It was objected, that he being made Provinciall January 14. and this bearing date Feb. 5. the word *Patents* could not be intended of his Commission. To which M. Whitebread answers, that possibly they did not know till then; and that it was not known what Exceptions might be exhibited against the person named: besides, that every Patent is called *Literæ patentēs*. Dr. Oates affirmed, that if a man be chosen to a place, he must execute it, upon pain of Damnation if he disobey his Superiour. To which Mr. Whitebread replied, that a hundred Instances might be given of Refusalls in the case; and that he would have refused it himself, if he had foreseen the Trouble of it; appealing to Almighty God, as he was to answer at the last day, that he knew nothing at all of this business. Dr. Oates declared that the Patents spoken of in this Letter were sent, a great many of them, in April and May before.

The Prisoners being now called to their Defence, Dr. Oates's Witnesses were sent for, to be in readiness.

Mr. White-  
bread's de-  
fence; with  
Reflections  
upon the  
Witness.

Mr. Whitebread beginning, that though he did not fear Death, he would be loth to die by Injustice: and that he hop'd that he should be allow'd the common freedom of endeavouring to preserve himself; for that a man's Life might be taken away by Perjury, as well as by a Pistoll: so that he trusted that no man should be admitted as an Evidence against him, that was not *probus Testis*; offering that D. Oates was not such a man, and he craved leave to say that he was *Perjured*. He says that he did such and such things by Whitebread's appointment, was present with him April 24. and that the Prisoner acquainted Dr. Oates with the whole design: a thing so improbable, that whoever believes it must take the Prisoner for a Mad-man, to trust any body with such a concern at first sight; (for he confesseth that so it was;) and then to trust a man that had his Livelihood from the Society, (for they maintain'd him,) that is to say, first the Prisoner's Predecessor, and then himself. Upon his Importunity to be entertain'd in the Society, the Prisoner perswaded him to withdraw, reflecting upon him as a person not answerable to the purpose he pretended to; and that for severall Reasons. First, for his Principles; for he held severall Opinions that were not sound. Secondly, his Life was loose, and therefore he was desired to retire. To which end, he had a suit of Cloaths given him, a Periwig, and 4 *li*. in his Pocket, which he

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he promised to repay upon the sale of his Library in *London*; but he never did. The Prisoner took notice of the just Wonder of the Court at writing to *Dugdale* by the Post in so plain and dangerous terms; and the like in his discourse to *Dr. Oates*: but concluded in craving the Court's leave to produce Witnesses, that from the 10. of *Decem.* to the 23. of *June* following *Dr. Oates* was at *S. Omers*, and lodg'd but one night out of the house.

It was observed upon *Mr. Whitebread*, as a strange thing, that they should still maintain a man that they had so ill an opinion of: but *Mr. Whitebread* denied the maintaining of him, affirming, that he was not sent over by them, as he said he was, and undertaking to prove it: allowing all this while that they had maintained him before; and distinguishing betwixt an office of Charity to a man of Letters, and in necessity, and a Confidence of Intriguing with him in such a Case as this.

*Mr. Fenwick* then recommended it to the Court to consider, that *Dr. Oates's* Evidence from one end to the other was supported by the sight of such and such Letters from one person or another; and all the Testimony is, the sight of the Letters: as if *Fenwick*, that knew *Dr. Oates* was turn'd away from *S. Omers* for his Misdemeanors, should after that make him privy to all his Letters. The Prisoner desired the Court to take notice, that he had a thousand Letters taken from him, and not one Syllable either of Treason, or of soliciting people to come over, was charged upon him out of those Letters. Urging, that all the proof made was but saying and swearing; and defying any man to make out any probability to any unbiassed judgement, how this could possibly be. Here the Prisoners were minded, that there is no other Evidence to be given, then by saying and swearing. *Fenwick* pursued his discourse, declaring, that he did no more think of his being taken or accused, then of his death; and that he removed nothing; and that besides Letters, there were seized in Bonds and Bills to the value of five or six thousand pounds; and it seems strange, that out of all this there should nothing of a design appear. For God's sake (said the Prisoner) where are the Commissions sign'd? and the moneys paid?

*M. Fenwick's*  
Defence.

*Mr. Hilsley* being presented to the Court as a Witness on the behalf of the Prisoners, *Mr. Whitebread* begs that their Witnesses might be sworn: which though it would not be granted, because it was against the King; yet the Jury were directed to value the Testimony according to the credit of the Persons, and the Matter in question. *Mr. Gavan* offered that there was no positive Law; and the Lord *Coke* in his Institutes says, that there is not so much as *Scintilla Juris* against it. But this being against constant Usage and Custome, it could not be granted.

The Prisoners beg that their Witnesses may be sworn.

*Mr. Whitebread* shews, that in *Mr. Ireland's* Triall, pag. 35 and 36, *Dr. Oates* declares that he came from *S. Omers* with *Sir John Warner*, Father *Williams*, and *Mr. Hilsley*: but it was answered, that printed Trialls are no Evidence; there may be Errata's in them. Then *Mr. Fenwick* asked *Dr. Oates*, if he did not acknowledge that he came over with *Hilsley*: and *Dr. Oates* told him, that to any question of that day, if the Court thought it reasonable, he would give an Answer. *Fenwick* insisted upon it, that *Dr. Oates* was forsworn in affirming he did; but not being convict, that could not be prest: so that *Fenwick* offered to prove his affirmation by Witnesses, that heard it; asking *Dr. Oates* again, if he came over with *Hilsley*. To which *Dr. Oates* made answer, that to put them out of their pain, as he said Then, so he said Now, that *One Hilsley* did come over with him. To which *Hilsley* answered, that he did not, for he left him at *S. Omers*. *Dr. Oates* acknowledged that *Hilsley* left him at *S. Omers*, but that he came away a day after him, and overtook him at *Calais*. *Hilsley* denied it, saying,

*Mr. Whitebread* charges *Dr. Oates* with falsifying, and presses the business of *Hilsley*.

*Dr. Oates* clears the Objection.



ing, there were a great many there that could prove the contrary. Dr. Oates informed the Court, that *Hilsley* lost his money at *Calais*, and that he prevailed with Father *Williams* to relieve him. *Hilsley* confess'd the loss of his money, but utterly denied that ever Dr. Oates and he were in a Ship together. Dr. Oates urged, that he might be Examined if he were not in Orders: but it was not thought reasonable to press him to accuse himself.

*Hilsley* offers  
Proofs on the  
Prisoners be-  
half.

*Hilsley* offers Witnesses to make out that Dr. Oates was in *S. Omers* the day after *Hilsley* came out, and several weeks after. Dr. Oates swears that *Hilsley* left them upon the way, and did not come throughout with them to *London*. *Hilsley* says that he believes Dr. Oates was told of his losing his money by one that was with him the second of May, and that there was one in Court who (he supposed) could speak to't.

Mr. Parry  
crosses Dr.  
Oates's Te-  
stimony.

Mr. William Parry offered then to swear, that Dr. Oates was at *S. Omers* upon that day when he affirms he came over, that is, that he was there upon the 25; that he stirr'd not from thence that day; that the Evidence din'd with him, and he went into the *Infirmary*, for he was sick; that he was at *S. Omers* till after the 20. of June, by the token that he was there at a Play upon the 20. day. Dr. Oates denied the business of the *Infirmary*, and offered to make appear to the Court, that *Hilsley* had been several years of the *Sodality* of the *Jesuits*; and that they dare not but say what their Superiours bid them.

Dr. Oates  
sticks to his  
affirmation.

As to the 20. of June, Dr. Oates avers that he was at *S. Omers* at that Action, but affirms that he was then come back again from *London*. Parry on the other side denied that Dr. Oates ever went out of the Colledge; for that he constantly din'd and supp'd with him, saving 3 or 4 days when he was in the *Infirmary*, where he entred April the 25. old stile. Dr. Oates advertised the Court of a Contradiction in the Prisoner's Evidence, upon the difference between old stile and new.

Mr. Parry  
for the Priso-  
ners.

Mr. Parry affirms that Dr. Oates came to *S. Omers* in December, and went not out from the Colledge till the end of June, and that onely to *Watton*, for two days and a night; and that he is confident of what he says; for a Scholar never removes from thence to *England*, but 'tis the talk of the whole Colledge. And then (says Mr. Gawan) they goe away in Secular Garments, that no notice may be taken of their leaving the place. Dr. Oates admitted this as a general Rule, but that his case was a particular Exception to that Rule; and that he resum'd the Habit of the House upon his coming back to *London*, and appear'd as one of it still, not knowing that it was taken notice of that he had been out, having never shewed himself in the Colledge in a Lay-Habit. Mr. Whitebread followed it, that let his Cloaths be what they would, his place and seniority was the same, so that at Meals he was visible to the whole House.

Mr. Dod-  
dington for  
Prisoners.

There stood up for the Prisoners one Mr. Doddington, (another Witness) that passed at *S. Omers* by the name of *Hollis*, betwixt 18 and 19 years of age, who gave this Account of Dr. Oates: That he entred the Colledge about a fortnight before *Christmas*, and betwixt that and June was never out, but one night at *Watton*. That he saw him at least every other day, and in particular the day after *Hilsley* departed, which was April 24. new stile, and falling sick, he went the next day into the *Infirmary*: affirming that he saw him in the Garden, upon the 2. of May, with one *Blood or Burnaby*. This Witness came into *England* in April last, about two months since, in part upon the Proclamation for recalling such as were in *Seminaries*, and partly for want of Health.

Mr. Gifford  
for the Prif.

Mr. Gifford was next Examined, who declared that he came from *S. Omers* about a month before, and that the occasion of his coming was to ju-  
stify

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stify that Dr. Oates was at S. Omers when he said he was here. He affirmed, that he saw him *May-day was twelvemonth* and April 21. at S. Omers, and kept him company the whole week after. That he remembers the *first* of May, by the token that one Mr. Burnaby coming that day to the Colledge, Dr. Oates made an acquaintance with him, and this Witness saw them together; and at the Colledge-hour of Recreation, for a week at least, he came every day after dinner. That he was not in the *Infirmary* till the day after *Hilsley* was gone away, continuing there about three days; and from that time till June at least, Gifford solemnly avers that he saw him at least every other day, for he never was out all that time, but one night at *Watton*, for his Relaxation. And he could not but be taken notice of: for though there were a matter of 150 that eat all in the same Room; yet he sitting at a Table apart, betwixt the Religious and the Youths, could not chuse but be taken notice of.

Mr. Palmer stood up next; who inform'd, that he came from S. Omers 2 or 3 months since, and that he came because he car'd not for staying any longer: that his Father lives by *Windsor*: that he saw Mr. Oates on *May-day, new stile*, by the token that there were Strangers that day; and that the Witness saw him in the afternoon playing with the other Boys at Nine-pins. (They call all those Boys that are not of the Religious: And though he sat at a Table distinct, yet going to School, he was still reckon'd among the Boys.) The Witness saw him the next day with Mr. Burnaby, and it was wondred at, his thrusting himself into his company, having never seen him before, as Mr. Burnaby said himself. That the Witness saw him also at the Action; and also with Mr. Killingbeck on the 5. of May, who was then departing; and likewise with Mr. Poole, at his going away. That the 11. day, at a Play, Dr. Oates would needs sit in the place of the Musick, and one Mr. Watson quarrelled with him. Seeing him also betwixt these times, and so from time to time, till June following.

Mr. Palmer  
for the Prisoners.

Mr. Cox informed, that he came away from S. Omers in November after Dr. Oates: that he knew Dr. Oates very well, and saw him at S. Omers at the time when he affirms that he was in England; for he was often with Mr. Poole when he was sick, which Mr. Poole was the Witness's Musick-Master. That he went away in July, and never stirr'd from S. Omers till he went quite away. That the Witness was there also till Dr. Oates went, which was after the Consult of the Jesuits, which he affirms to have been in April, and himself to have been at. The Witness's jumbling of the Months caus'd the people to laugh: and the Witness still persisted, that Dr. Oates was at S. Omers till the Jesuits Consult was over. He informed that he came thither, and was onely one night out of the House, at *Watton*, all the time he was there. That he did not goe away with Mr. Hilsley, for a Gent. that was going that day for England, being loth to rise, Dr. Oates told a story of him how loth he was to leave his bed, which was the day after *Hilsley* went away. The other Gent. went upon the 5. of May, and Mr. Poole and Mr. Nevil, who he says were with him in England, were neither of them absent at that time. That Dr. Oates was at S. Omers all May and June. The Witness being prest to name the month when Dr. Oates came away, he said he could not remember it.

Mr. Cox.

Mr. Thomas Billing informed, that he came about 3 months since from S. Omers: that he knew Dr. Oates very well, and saw him at S. Omers the very day, or the day after that he came thither; (the 10. of December;) and that he continued there till toward the end of June, never out of the House but once at *Watton* in Christmas; this Witness being then in the *Infirmary*, and Dr. Oates came in, saying that he had been at *Watton*. That he had been twice in the *Infirmary*, and the second time was in April, where (as the

M. Billing.



the Witness remembers) he was 3 or 4 days: that he saw him in the Colledge from *December* till about the end of *June*. That he was there all *May*, and could not be 8 days in *England*, as he says; for being entred into the Sodality *March 25*. he was appointed to read at six a clock every *Sunday morning*, and after he had begun, he read constantly in course till he went away: for he was never sick on a *Sunday* in *April*, but somewhat indisposed, so that he went to the *Infirmary* upon occasion for some 3 or 4 days, and once in 2 or 3 days the Witness constantly saw him. That upon the second of *May* he saw him with Mr. *Blunt* in the Garden, and also with one Mr. *Rushton*, by certain tokens.

Mr. *Townley*. Mr. *Townley* informed, that he knew *Oates*, and saw him in *April*, *May*, and *June*. Dr. *Oates* departed from *S. Omers* about the 10. of *June*: he believeth that he saw him every other day for all *April* and all *May*: for sitting at a single Table, as he did, he might be easily mist.

Mr. *Fall*. Mr. *Fall* informed, that he came from *S. Omers* some 2 months agoe: that he saw Dr. *Oates* about *Christmas* was twelvemonth, and so from that time till *June*, save while he was at *Watton*. This Witness hath been in the Convent 2 years and a half.

Mr. *Hall*. Mr. *John Hall* informeth, that he came from *S. Omers* in *July* 1678. having been there above 7 years: that he saw Dr. *Oates* there in *April*, *May*, and till about the 23. of *June*; the Witness taking a more particular notice of him, by serving as a Butler, and laying the Table, and drawing Beer, and the like; serving Dr. *Oates* himself most days. That he came away for his health, beginning to be ill, at *Christmas* (77.) That he lives with his Father in *Radnorshire*, and came up to *London* upon a Summons as a Witness.

Mr. *Cook*. Mr. *Cook* informs, that he came from *S. Omers* last *January*, upon this occasion, and that he hath been ever since in Town. That he saw Dr. *Oates* there in *June*, and that he went away upon the 23; which he knows, being a Taylour, and having made him some Cloaths. That he saw him every day, and sometimes 20 times in a day. That he was there all *April*, and all *May*, and he came twice every week to the Witness's Shop for things. That the Witness liv'd in the Colledge, and remembers that Dr. *Oates* was at *Watton* onely one night in *April*, but he cannot say the very day; onely it was spoken of over the House.

Mr. *Gavan* presses Dr. *Oates* upon his Narrative. Mr. *Gavan* offers, that Dr. *Oates* says in his Narrative, he came over in company with Sir *John Warner* and Sir *Thomas Preston*; and that to prove him perjured, clears the Prisoners. But being told, that they should have indicted him, and made that out before, if any such thing were; Mr. *Whitebread* replied, that they were kept close Prisoners; pressing again the business of his coming over with Sir *John Warner*.

Dr. *Oates* clears himself. Dr. *Oates*, to clear himself of all Contradictions, says, that he named some persons at one time, and some at another, as his memory served him; naming the Rectour of *Liege*, Sir *John Warner*, Father *Williams*, Father *Marsh*, Father *Warner*, Sir *Thomas Preston*, &c.

Bartlet for the Prisoners. One *Bartlet* a Dutchman, but speaking a little *English*, informed, that he came from *S. Omers* *May 23*. (78.) new stile: that Sir *John Warner* was at *Watton* all *April* and *May*; and that he was there himself, and saw Sir *John* there: that he had been some five or six weeks in *England*, and came over about the latter end of *June*. But *Bartlet* being minded that he said the 23. of *May* before, he excused himself, that he thought the question had been ask'd concerning Dr. *Oates*'s coming over, which he heard of beyond seas.

Carrier by an Interpreter. Mr. *Tisser* was then sworn to be a true Interpreter to one *Carrier*, a Witness for the Prisoners that could not speak *English*.

Mr. *Tisser*



Mr. Tisser informs, that *Carlter* came into *England* about seven or eight weeks since, and that he was for the last two years in *Watton*: that he was the last Sunday in *April*, and all *May*; at his house there, the Witness having been his Gardener.

Then Mr. Tisser stood Interpreter for another Witness, *Charles Verron*, Sir John Warner proved at *Watton* by *Charles Verron*. who speaks no *English*. *Verron* says, that Sir John Warner was at *Watton* all *April* and *May* was twelve-month, and so till *September*: and the Witness affirms it, for he passes with a Vessel between *S. Omers* and *Watton*, and for the most part sees Sir John every day: and that the Witness is of the *Roman Religion*.

*Baillet* (a servant to Sir John Warner) informs also, that Sir John was all *April* and *May* was twelve-month at *Watton*: and that he being a *Mason*, Sir John gave him Directions about a Building, and look'd after the doing of it himself. And by *Baillet*.

*John Joseph* informs, that he knows Sir *Thomas Preston*, and that he saw him almost every day in *April*, *May*, and *June*, or however, 2 or 3 days in a week. That the Witness was Porter of the Gate to the *English House* at *Liege*, where Sir *Thomas Preston* was in the months of *April*, *May*, and *June*. But that Sir *Thomas Preston* was away in the time of Vacancy, which is in *August*. Sir *Thomas Preston* proved at *Liege* by *John Joseph*.

*Peter Carpentier* informs, that being *Caterer* at *Liege*, he knew Sir *Thomas Preston* very well, and saw him there every day, all *April*, and *May*. And by *Peter Carpentier*.

Mr. *Gavan* told the Court, that he had no more Witnesses to this point: and then offered the difference of his Case from the rest; and that Dr. *Oates* did not charge him as sitting in the Consult, but as seeing his Hand to it afterwards: representing, that onely a protest *Jesuit* has a Right of sitting there, (which as then he was not.) The Prisoner insists upon a Witness that he has, to prove, that at that time he was at *Wolverhampton* in *Staffordshire*. Being told that it was his Hand to the Consult, not his being present at it, that was charg'd upon him: *Gavan* replied, that he could not sign it at *London*, unless he were at *London*; and so he offered to prove himself at *Wolverhampton* the four and the five and twentieth of *April*. But Dr. *Oates* swearing that it was in *June*, or *July*, that he saw Mr. *Gavan*'s hand to the Consult, it was considered, that it might be sign'd at any time during that Intervall; and so the proving Mr. *Gavan* at *Wolverhampton* the four or five and twentieth of *April* would doe him no good: but however his Witness was called. Mr. *Gavan*'s different Case; and not at *London* when charg'd to be.

*Catharine Winford* inform'd, that for the greatest part of the Summer, Mr. *Gavan* sojourn'd in her house at *Wolverhampton* in *Staffordshire*, in *June*, and so to the 23. of *July*, when he went to another Lodging in the Town, more convenient for his turn. The Witness said, that he was never from thence in all that time, and that he sojourn'd longer with her, but she onely speaks to the Months in question. That after he went, she seldom failed a day of seeing him: and that she was a *Roman Catholick*. Mr. *Gavan* prov'd in *Staffordshire* by Mrs. *Winford*.

*Mary Poole* informed, that she had known Mr. *Gavan* 6 or 7 years, and that being a Servant to Mrs. *Winford* at *Wolverhampton*, she saw Mr. *Gavan* at this time twelvemonth at her Mistress's; and that he was there in *April*; and that she believes he was there in *May*, for she does not remember his going away till the end of *July*; and he was there also in *June*. It was asked her why she stuck more at *May* then the other Months: and her Answer was, that any body might mistake. She own'd her self likewise to be a *Roman Catholick*. And by Mrs. *Poole*.

Mrs. *Winford* was farther examined, what Circumstances she could call to mind at the time when he went from her. To which she answered, And by Mrs. *Winford* again, more particularly.

L

That

That not knowing what she should be examined upon, she could not well recollect her self; but that he went often abroad to my Lord *Ashby's*: that she knew not how long he stay'd there, but that she was confident that he did not go to *London*, for he had no Linen with him then, as he had when he used to goe a Journey. Dr. *Oates* suggested to the Court, that he took a Chamber to goe into the Exercise, and that under that pretence he might slip to *London* and no body the nearer, because upon that occasion they are close shut up. To which Mrs. *Winford* answered, that she knew nothing of it, but upon any urgent business people are then admitted to see them; and that she her self could speak it upon her own knowledge, and that about the end of *July* she went often to him after he had left her Lodgings. That the former part of *July* he was in the Witness's house, from whence he went upon the 23. That he was not shut up in the Witness's house, and that the last *Eight days* she was allowed to come to him: not but that he was shut up, but still upon business, either of bringing any thing, or speaking with him, there was admittance to him. Touching the point of his having time enough to be at *London*, and back again, while she did not see him; the Witness declared that she thought he had not; but that she was confident that he did not go. But it was observed upon her, that she had said, peradventure he might be away 5 or 6 days; but she still persisted, that she was confident he had not been at *London* in the *Interim*.

Mr. *Gavan* then prest the Court for liberty of speech, and urged it, that Dr. *Oates* charged him directly to have been in Town in *July*, and that he met the Prisoner with Mr. *Ashby*, who was then in Town; so that the Prisoner's being in Town must be betwixt Mr. *Ashby's* coming to Town, and his going out again; which he computed to be a fortnight's time. The Prisoner reasoning the point, in such sort, that if he could make it out that he was in *Staffordshire* from the 15. or 16. of *July* to the end of the month, he had then acquitted himself. Dr. *Oates* makes it to be either the Beginning or Middle of *July* that Mr. *Ashby* came to Town, but does not swear which; onely he rather inclines to think it was the Middle: and while Mr. *Ashby* was here, Mr. *Gavan* came up, and told the Witness that he would go visit Mr. *Ashby*.

Mr. *Gavan* having given Evidence where he was at the end of *July*, was now called upon to prove where he was at the beginning of the month. But he told the Court that his Witnesses were not here; and then addressed himself to the Court to this effect: That being Innocent, it was not possible for him to imagine upon what point they would accuse him; but yet he cast his thoughts every way, to see where he was most liable, and what he had ever done that might yield the most plausible pretence for a Charge: and that finding nothing so colourable as his being engaged at that *April Consult*, the Prisoner had provided himself at his own Expence with Witnesses to clear that matter. And now having discharged himself, by the use of all prudential means for his Clearing, and having done it effectually as to the 24. of *April*, upon which the main pretension of a Conspiracy was founded; he cast himself with all submission upon the Honour and Justice of the Court, offering proofs that he was not in *London* in *August*; protesting solemnly, and upon his Salvation, that he was not in *London*; and imprecating upon himself most Exemplary Judgments from Almighty God, if he were not Innocent.

He offers himself to the Ordeal.

After this, he offered himself to the Court to pass the Ordeal, as a Test of his Innocence, which in Capital Cases was in practice for a thousand years together, where there was onely the Oath of the Accuser against the denial of the Accused. But this Custom being now out, and the proposal

## OF THE PLOT.

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proposal favouring of a popular Artifice, it was not allowed him.

Here Six Witnesses more are produced for him.

The first Witness saw him every day the last Week of July.

The second Witness saw him the last Fortnight in Staffordshire, as he believes, but cannot positively aver it.

The third Witness, living in the same Town, could not say that he was out of it all July; but the last Week he was in the Witness's house.

The fourth Witness spake onely to the last Week too.

Mr. Whitebread offered in his defence, that Dr. Oates failing in his Testimony against Ireland, was not *probus Testis*, but *improbus*; and so an incompetent Witness, and not to be credited in one Case, after being convicted of Perjury in another; recommending to the Jury, to take notice of it, that he fled from his former Testimony. Where the Prisoner was admonished, that he was gone from the present question: and that there was no Conviction of Perjury without a Record; and to prove it, that Record must be produc'd too.

Mr. Harcourt pressed it, that Mr. Bedlow, Mr. France, Dr. Oates, and Mr. Dugdale, were men of desperate Fortunes, and Flagitious persons; and that False swearing was their Livelihood; and that these were the men by whom he was charg'd. And then again, if the Evidence on his side should be rejected because they were Roman Catholics, it would be a very hard case in his own particular; and destructive also of common Commerce with other Countries: and it would be vain to call Witnesses, if a Roman Catholic should not be taken as a good Evidence.

Mr. Harcourt was here inform'd of his mistake, for Roman Catholics were allowed to be Witnesses, and none refused upon this Trial.

Mr. Harcourt said farther, that Dr. Oates charged him one while with paying the 80 li. for the Russians at his Chamber, and another while at Wild House; and that he had Witnesses to that point. Dr. Oates lays it, that Mr. Ireland was by too, whereas the Witnesses were now in Court that would prove him to have been all August in Staffordshire; producing it in the printed Trials. But the Print being no Record, and what Dr. Oates said before not being the point now in issue, that Suggestion could not avail the Prisoner. Dr. Oates denying also that ever he said that Ireland and Harcourt were together at the payment of the 80 li. to the Villains, and affirming that they were not together.

Mr. Gavan acknowledged that the proof of his not being in Town was rather a Negative, then a Positive Evidence: but however, as to Dr. Oates's Testimony, he charg'd the borrowing of 20 s. of Mr. Ireland upon September 2. at which time Mr. Ireland was at Boscobell. But Dr. Oates denied the speaking precisely to the day, and would not be positive whether first, second, or any certain day; but that, as he remembered, it was the second.

The Prisoner then produc'd Pendrell and Gifford, and their Wives.

Mr. Gifford gave Evidence, that being last Sessions in Court to prove that he saw Mr. Ireland upon the 24. and 25. days of Aug. in Staffordshire, (the day that Dr. Oates affirmed he saw him in London,) Dr. Oates being at a loss upon the particulars, affirmed at last, that he had 20 s. of Ireland, in Mr. Harcourt's Chamber, on the first or second of September, about the Fast day. Dr. Oates laid here, that he spake to the best of his memory; and Mr. Gifford went on, saying, that he saw him there some other of those days; but that there were divers then in Court that were every day in his company. But they were now upon the wrong Trial again.

Dr. Oates informed, that it was not Ireland, but Harcourt, that he charged with being at Wild House, where Coleman met him; and that most of

Six Witnesses produc'd for him.

Mr. Whitebread will not allow Dr. Oates to be *probus Testis*.

Mr. Harcourt reflects upon the Credit of the Witnesses.

Roman Catholics good Evidence. Mr. Harcourt charges Dr. Oates with Contradictions in his Evidence.

And so does Mr. Gavan.

Mr. Gifford gives Evidence against Dr. Oates.

Dr. Oates speaks to some mistakes.

the



the Money was there, and carried back to *Harcourt's Chamber*, where it was delivered to the man that carried it to *Windfor*; *Coleman* leaving a *Guinny* for the Messenger, but he himself going away before. *Dr. Oates* farther delivered, that *Mr. Fenwick* took leave of *Mr. Ireland*, as going to *S. Omers*, betwixt *August 8.* and *12*: but whether they met about the Plot or no, or what they said, he does not remember the particulars. To the Question, whether *Fenwick* had any communication with *Ireland* in *August* for the furtherance of the Plot, *Dr. Oates* gave Evidence that he had.

Eleven Witnesses to prove Mr. Ireland in Staffordshire.

The Lady *Southcott* was now produced, with her Son, and her Daughter. The Lady *Southcott* informing, that she saw *Mr. Ireland* every day from the 5. of *August* to the 16. wherein she was positively certain.

*Sir John Southcott* was then called, and inform'd; that he knew *Mr. Ireland's* face, and that he travelled with him from the 5. of *August* to the 9. and saw him severall days afterward, in the whole, at least 12 days.

*Mr. Edward Southcott* then inform'd, that he was in company with *Mr. Ireland*, from the 4. to the 16. but that he was not at his Trial.

*Mrs. Harwell* informed, that she saw *Mr. Ireland* on *August 17*, when he came to her house at *Wolverhampton*, and lodged there every night till the six and twentieth.

Young *Mrs. Harwell* informed the same, from the 17. to the 26. saying that on *S. Bartholmew's Eve* he went to *Litchfield*, and came back again, upon which day she did not see him.

*Mr. Gavan* here offered Evidence of a Prisoner in *Newgate* to the same point, desiring to be instructed, whether a man charg'd with, but not convicted of the same Crime, might not be a good Evidence. But he had no encouragement to make use of him.

*Elizabeth Keeling* inform'd, that she saw *Mr. Ireland* at *Wolverhampton*, from the 17. of *August* to the 19. when she went out of Town; and coming back on *Thursday*, found him there, where he continued till the 26.

*Mr. Pendrell* then informed, that he saw *Mr. Ireland*, *Septemb. 2.* and *3.* at *Boscobell*; which he knew by his Wife's book, where she set down the day for his diet, he being with him for his Meals. That the Witnesse kept the *Royall Oak* there: that the Gentleman called himself *Ireland*, and so did others: that he knew him no otherwise, and that he did not see him in *August*.

*Mrs. Pendrell* inform'd, that she knew *Mr. Ireland* onely by report: that she saw him at *Boscobell* in *August* or *September* according to the question, and never before that time: that she knows it was he that suffered, for she was in Town when he died.

*Mrs. Gifford* informed, that *Mr. Ireland* was at *Wolverhampton* from the 17. of *August* to the 26. and that she also saw him *Sept. 2. 7. 10.* and *11.* and that her Brother told her it was the same man that was executed. *Mr. Gifford* then in Court declaring, that he saw him in *Staffordshire*, and he saw him die.

Another *Mrs. Gifford* informeth, that she saw *Mr. Ireland* at *Pancrass fair* in *Staffordshire*; that she did not see him suffer; but her Sister shew'd him to her at a Window, saying, That's *Mr. Ireland*; that she saw him Try'd, and found him to be the same man: and that it was *Sept. 7.* that her Sister told her of him.

*Mr. Beadle* informeth, that he saw *Mr. Ireland* *Sept. 2.* at *Millage* in *Staffordshire*, and that they said it was *Mr. Ireland the Jesuite*: that he never saw him before, and onely supposes him to be the man that suffered: owning himself (upon the question) to be a *Roman Catholick*.

*Mr. Turner* represented, that he stood charged with being at *Tixall* (where he had not been in four years) at a Consult in *September*, and demanded

Mr. Turner denies his Charge.

manded who saw him there : and it was answered, that there was onely Mr. *Dugdale* to witness that.

Mr. *Fenwick* produced Captain *Hill* against Mr. *Bedlow* ; and offered to prove by a Clerk of Sir *James Boteler's*, that he couzen'd a Cuttler of a Silver-hilted sword. But the Clark being called, and not present, nothing was done about it ; Mr. *Fenwick* still reproaching him with several Cheats. His Pardon being objected ; the Prisoner replied, that a Pardon did not make a good Witness, and pretended to prove something since his Pardon.

Mr. *Whitebread* charges Mr. *Bedlow* with giving Evidence against him This Trial, in contradiction to his Declaration that he had nothing to say against him the Last ; insisting upon it, that the Reason now suggested of his forbearance, was no way intimated at that Trial ; and that not swearing the whole truth, he had broken his Oath, and is perjur'd. This Objection was left to the Jury. And then Captain *Hill* inform'd onely of Mr. *Bedlow's* Condition in the *Marshalsea* ; which was found to be of no moment to the matter in question.

The King's Councell having summ'd up the whole proceedings, thus far, into a brief Deduction and Narrative, and so laying it before the Jury, the King's Witnesses were called.

*Sarah Paine* was sworn, and informed, That passing in *Russell-street* she saw Mr. *Ireland* at his own door there, no body with him ; that she knew him very well, and then saw his Face, and made him a Curtesy : which was about a week after the King went to *Windsor*, the King going thither about the twelfth or thirteenth of *August* ; the Witness saw *Ireland* about the twentieth. She had lived with Mr. *Grove*, where Mr. *Ireland* came often ; and she had carried divers Letters to him.

*William Walker* was sworn, and informed, That he had known *Titus Oates* a long time, but for above five years he had not seen him ; onely some two years since, that he met him in *Newgate-Market* ; and after that, in *March* (78) or the beginning of *April*, he saw him in a gray Serge Coat, and (as he remembers) a gray Hat, not knowing him, till it came in his head as he was in bed, that this was *Titus Oates* : so that he went next morning to enquire of him at a place where he had seen him a year before ; and the Woman of the house cry'd out that *he was an undone man, for he was gone over to the Church of Rome, and that she knew not where he was*. The Witness telling the Woman, that he saw him the day before, about nine or ten in the morning, at the end of *S. Martins Lane* near *Leicester House*. He informed, that this was some time betwixt the latter end of *March*, and the middle of *April*, and that he saw him onely there, and that he look'd as if he were afraid. That he had seen him in his Habit a matter of a year before, and not before that, of five years. Which was observ'd as a Contradiction to the *S. Omer Evidences*, who would have him beyond Seas all *March*, *April*, and *May*.

*Sarah Ives* was then sworn, and confirmed Mr. *Walker's* coming to her shop, and saying as aforesaid. This was *April* was twelvemonth, and about the Middle of the month, as she thought.

Mrs. *Mayo* was sworn, who informed, that a week before *Whitsuntide*, and in the month of *May*, a Servant of Sir *Richard Barker's* told the Witness, There's Dr. *Oates*, he has turn'd his Black coat into a White one : Dr. *Oates* being then in the Court-yard, and the Witness in the Kitchen.

Capt. *Hill* produc'd : and Mr. *Fenwick* objects ill things done by Mr. *Bedlow*.

Mr. *Whitebread* charges Mr. *Bedlow* with a false Oath.

The King's Witnesses call'd.

*Sarah Paine* swears Mr. *Ireland* in Town.

*Will. Walker* swears Dr. *Oates* in Town.

And so does *Sarah Ives*.

And Mrs. *Mayo*.

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The Witness then asked what he was: and he answered, he had been a Minister, but he was now either a Quaker, or a Catholick. The Witness replying, that he was no Quaker, for he wore a Perriwigg: when he jeering at him, the Witness reprov'd him for it, being a friend of Sir Richard Barker's. That Dr. Oates came about a week after, and another came with him, and they walk'd into the Garden. That the Ladies of the house being shy of them, hearing he was turn'd Jesuite, Dr. Oates seemed discontented, that he had not so much Respect now in the house as formerly. That Dr. Oates afterwards going into the Garden, Sir Richard's Servant told the Witness that Oates was there again, and had brought one with him: *Prethee look*, (says he) *does he not look like a Jesuite?* But the Witness hearing that he came over about the Plot, went to him, and excused the Family's Coldness to him, when they thought he was a Papist: Swearing also that Dr. Oates, the Witness in Court, was the person she saw there.

And Philip Page.

Philip Page was sworn, and informed, that he had known Dr. Oates four or five years; that he saw him at Sir Richard Barker's about the beginning of May last 1678; that he spake with him then; he was in a light-colour'd Campagne Coat: that he went into the house, and then away again, as soon as he had enquired for Sir Richard. The Witness remembers the time, for Sir Richard at his house at Islington had a Patient then that was ill of a Fever. (Sir Richard Barker inform'd the Court, that it was Mr. Milver's Daughter.) The Witness being positive that it was about that time, and that he spake with him; by the token that he had an old flapping black Hat on, and Spanish-leather Shoes.

Sir Richard Barker heard Dr. Oates was in Town.

Sir Richard Barker was sworn, and informed, that about the time given in Evidence, returning out of the Country, he was told that Dr. Oates had been at his house in a Disguise, as if he were either a Quaker, or a Papist: nay, that they told the Witness of two Disguises, the one in short Hair, the other in a long Perriwigg: and that his Coachman, then in Court, told him of it first. That the Witness falling sick in that Interim, Dr. Oates was gone; but came to his house after his Recovery, to ask for Dr. Tongue, about the latter end of June, or beginning of July. That the Witness had known him from a Child, and saw him the last Summer, but not till June; and that in June (as he remembred) he did see him: but that his Servants had seen him, as they themselves told him, in May, before Whitfuntide.

Butler saw Dr. Oates in Barbican.

One Butler was sworn, and informed, that he had three years knowledge of Dr. Oates; and that he saw him at his Master's house in Barbican, about the beginning of May last was twelvemonth. That the Witness, being Sir Richard Barker's Coachman, was cleaning his Coach, and Dr. Oates came in, and enquired for Dr. Tongue. The Witness telling him that he was not within; he seem'd much discontented, but yet went into the house, and presently out again, and away. He was in gray cloaths like a Shepherd, and his Hair cropt to his ears; but yet the Witness knew him so soon as he saw him. That the Witness saw him some six weeks after, in a long black Coat and Perriwigg. That he was sure it was Dr. Oates, and that he told his Master of it soon after.

Mr. Smith, at Islington.

Mr. Smith was sworn, and informed, that he knew Dr. Oates, (being Usher of Merchant-Taylors School, and Dr. Oates his Scholar there.) That he saw him at dinner at his own house in Islington, at the beginning of



of May 1678, the first Monday in May, as he remembered: swearing this positively, and that he was with him three or four hours after dinner, in coloured Ribbands, and a green Knot upon his shoulder. That their discourse was about his Travells, and nothing at all about the Times. That he knew he had chang'd his Religion; and that he saw him not in two months after.

Mr. Clay was sworn, and informed, that the first knowledge he had of Dr. Oates was about April last was twelvemonth, at Mr. Charles Howard's, in a corner of Old Arundel House, where he met him by chance upon a Visit to Mr. Howard, as an acquaintance and friend: and that he saw him there the second time in May also; but the day he could not say; nor whether he saw him afterwards or not: but that Dr. Oates in Court was the person he saw there. Dr. Oates offering to the Court, that Mr. Clay was a Priest in Orders: but that question was not put to him; onely he own'd himself to be a Papist.

Mr. Clay saw him at Mr. Charles Howard's.

Mr. Whitebread's plea was, that urging Dr. Oates at the last Trial, to name any one that he had seen in Town, he could not name any body. And so likewise afterwards, at the Committee, he told that the Prisoner lay privately at Grove's; and the Prisoner can prove that he never lay there at all: and then he was positive, that he stay'd here but six days, and saw little company. Now the Evidence affirms, that at the end of March, or the middle of April, he saw him here: and yet Dr. Oates himself declares, that he passed the Sea with Hillsley, the twenty fourth of April. If he landed in England the seventeenth of April, as is said, and continued here a good part of May, how can this stand with his being in England but six days? The Prisoners were answered, that the precise day was not so punctually sworn to: so that Dr. Oates might be seen here the latter end of April, and the beginning of May, and yet his Testimony stand good.

Mr. Whitebread presses Dr. Oates's several Contradictions.

Mr. Gavan offered to the Court, that the Evidence against them spake onely to one or two particular days; one to his Dining with him, and another to his Disguise: and that in the very Evidence there was a manifest Contradiction; for he could not come over with Hillsley, as he said he did, and appear here in May, and all this within six days. That it might be farther considered also, the disproportion in the Number of the Witnesses; sixteen for the Prisoners, and such as conversed with Dr. Oates every day. Or allowing that a less Number for the King should weigh down a greater Number on the part of the Prisoners, the Exception to his Evidence about the *Recfour of Liege*, Sir John Warner, and Sir Thomas Preston, remains yet untouch'd. Or supposing a Mistake in what concerns Dr. Oates's being at S. Omers, there are yet six that prove he has sworn false. And the Prisoner humbly represented, that no body ought to be condemned but upon two sufficient Witnesses. And after all, that Mr. Ireland was prov'd to have been out of London, from August 3. to September 14. by at least 16 Staffordshire Witnesses. Which two points remain without Answer: for Dr. Oates says that he was with him here August 12. when they agree that he was in Staffordshire. As to the Maid, she onely says that she saw him, without speaking to him. The Prisoner here appealing to the Honour and Conscience of the Court, how far to believe a Witness that hath even in one point falsify'd. And then there is Sir John Southcott, and his Family, that give an account of Mr. Ireland in the Country from August 5. to the 19. (which was after the precise day that the Maid speaks of in London. There are seven or eight of them

Mr. Gavan summs up his whole defence: insisting upon the Incompetency of the Evidence against him; the Improbability of things; and their Disagreements among themselves.

## THE HISTORY

them that agree upon the seeing of him from the *first* day to the *last*.

And whereas it is objected in the business of *July*, that the Prisoner's Witnesses speak positively onely to the *last week*; the Prisoner offers, that they rather incline to think him there the other weeks also then not; and that being shut up in the *Last*, they took a more particular notice of him.

He minded the Court also of the Evidence of Mr. *Ashby's* coming to Town about *Mid-July*, and of the Prisoner's coming likewise within the fortnight which Mr. *Ashby* staid; and of the Prisoner's saying he would wait upon Father *Ashby*; where the discourse past that he speaks of: adding, that he is neither prov'd to have been at the *Great Consult*, nor *Capable* of it; appealing to Mr. *Harcourt* and the *rest*, whether he were there or not, and upon the word of a dying man denying it.

As to the Prisoner's name being to it, (which is laid in *July*) he proves himself in *Staffordshire* the *last Week* of that Month, and has Evidences of being there till the 14. and the *last Week*; which he hoped would be considered.

He mov'd farther, whether standing accused by one Witness, about one Fact in *London*, and by another, concerning another Fact in *Staffordshire*, these two Witnesses are to be reckoned good in Law. But this being already resolved in Sir *Henry Vane's* Case, where severall Witnesses prov'd severall Facts in severall Countries, and yet all overt Acts of one and the same Treason; Mr. *Gavan* suggested, that Serjeant *Rolls* was of another Opinion.

Mr. *Gavan's* second Plea was grounded upon the Circumstances of *Credible Witnesses*, and of *Clear Evidence*; but that in his Case there was, neither the one, nor the other; and therefore that he ought not to be convicted by such a Witness, and upon such an Evidence. Wherein the Court informed him, that they were *Lawfull Witnesses*, because not convicted of any crime to destroy their Testimony: and for the *Credibility* of them, that was left to the *Jury*. Whereupon the Prisoner addressed himself to the *Jury* to this following effect.

His application to the *Jury*.  
He urges the Insufficiency of *D. Oates's* Testimony.

That his Life was in their hands: That he was not at the Consult, nor of age to be there: That to the making of a *Credible Witness*, there must be *Integrity of Life*, and *Truth of Testimony*: That *Dr. Oates* was turned out of *S. Omers* as a Person of ill Moralls: That in Sir *John Warner's*, Sir *Thomas Preston's*, and the business of Mr. *Ireland's* being here *August 12.* he is unanswerably disprov'd: And that though he be not convicted of Perjury, he might have been; so that there was enough before them to shake his Testimony. And then in Mr. *Ireland's* business, betwixt *August 8. and 12.* how many Proofs of his being in *Staffordshire*, to one Woman that says she saw him in Town? Sixteen Witnesses that were daily in his company that affirm'd the contrary. He inculcated over again the business of the *S. Omers* Witnesses; sixteen, to three or four: the Contradiction of *Dr. Oates* his coming over with *Hilsley*, and staying but six days; with the Evidence that saw him in Town *April and May*; his being at *Wolverhampton* from *July 16.* upwards.

Denies any Conspiracy with Mr. *Dugdale*.

As to Mr. *Dugdale*, he had the knowledge of him five or six years; severall discourses with him, but none Treasonous, upon his Salvation: And that he came away from his Lord after he had embezzled 300 li. of his Money.

That

That he (Mr. *Gaoun*) had been twenty weeks a Prisoner, without the means of sending for Witnesses. Concluding with an Alseveration of his Innocence, *as he hoped to see the face of God*, and with a Prayer for the King and the Court. Makes protestation of his Innocence.

Mr. *Whitebread* minded the Court of an excellent observation made upon that rank and dangerous Letter, which Mr. *Dugdale* pretends to have intercepted from the Prisoner to Mr. *Ewers*; That none but a Mad-man would send such a Letter by the Post. And so he recommended the Improbability of it to the Jury.

Mr. *Fenwick* desired the Court and Jury to consider the Evidences on both sides. The one spake to the whole time, upon a daily Conversation; the other, onely to this or that day, or seeing Dr. *Oates* in a Disguise: on the one side, so many Youths train'd up in Vertue; and on the other, a beggerly sort of people, that might be drawn in to mend their fortunes by their Evidence. His Testimony then is false as to Sir *John Warner*, Mr. *Williams*, and Sir *Thomas Preston*; for they came not over with him. Or suppose the Witnesses to be Equal, what support has he for his Evidence? such and such Letters he pretends from Mr. *Whitebread*; which if it were true, the Prisoners deserved to be hang'd for Fools, as well as for Knaves, for trusting a Creature that they never had any Esteem for, and who was Expelled the Colledge. Mr. Fenwick arraigns Dr. Oates's Evidence.

And then for the Commissions and Letters he speaks of, 'tis almost a year that this Discovery hath been afoot, and thousands of Letters seiz'd: and yet not one Commission appears; not one penny of mony, or any order for it; no Arms found; nor out of all these Letters any thing discovered towards this Design. And for all the Writings signed, which he says were hundreds, from one Consult to another, there is not one single paper produced in confirmation of it. Ending in these words, There is no Reason brought among them all, but Saying and Swearing; and that I'll stand by. Thousands of Letters seiz'd, and no Treason in them: nor One Commission found in all their Searches.

Mr. *Whitebread* told the Court and Jury, that whereas Dr. *Oates* charg'd him with beating of him; First, the Prisoner neither was, nor ever had been a Fighting man: and he appeal'd to their Considerations, how he should dare to strike a person, whom he had made privy to so Dangerous a Secret. Reflecting then upon the strangeness of the thing, that so many Eminent persons should be concerned in it, the Plot discovered, and yet no footsteps of it appear. And so he recommended himself to God, and the Jury. Mr. Whitebread offers to the Jury, how he should dare to strike Dr. Oates, if he had his Life at his mercy.

Mr. *Harcourt* then declared, that being now arrived at Seventy years of age, this was the first time in his whole Life that he had been accused before a Magistrate: But that a Negative cannot be proved; and that there was no Evidence against them, but downright Swearing.

Mr. *Fenwick* was about to pass a Reflection upon the Life and Conversation of the Witnesses; but bringing no proof, he put an end to the discourse.

Mr. *Turner* being demanded what he had to say, he did ask, if it were reasonable to admit of those people to an Oath in Evidence, who for Scandall were debarr'd the Sacrament; as he would prove by one *Hastings*. But he being called, and not appearing, the Court proceeded to give directions to the Jury: wherein the Evidences were so fully and distinctly summ'd up by my Lord Chief Justice, that there was nothing to be added to them. Mr. Turner excepted to Dr. Oates's Evidence.



All the Prisoners found guilty.

The Jury were then sent out to consider of their Verdict; and after about a quarter of an hour, they returned, and found all the Prisoners *Guilty of the High Treason whereof they stood Indicted.* And after a short and pithy Speech of the Recorder to the Jury, they were remanded to Newgate, and the Court adjourned till next Morning.

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THE  
**HISTORY**  
OF THE  
**CHARGE and DEFENCE**  
OF  
**Richard Langhorn Esq;**

**U**PON June 14. 1679. Mr. Richard Langhorn was brought to his Trial at the *Sessions-house* in the Old Bayly, according to an Adjournment of the day before; standing Indicted of *High Treason*, for contriving the *Death of the King*, the Subversion of the *Protestant Religion*, and of the *Establisht Government*. He pleaded *Not guilty* to the Indictment. The Jury was sworn without any Challenge. The King's Councell open'd the Charge, and so the Court entred upon the Trial; beginning with some Evidences upon the main Design.

Mr. Langhorn brought to his Trial:

Mr. Dugdale and Mr. Prance were both sworn: and Mr. Dugdale spake first to the Plot upon the *Life of the King*; declaring, that he himself had been engaged in divers Consultations for the Destruction of His Majesty, and of the present Government, and for bringing in of *Popery*. That being at most of their Meetings, he heard these very Expressions us'd; and was tempted with Reward to be Instrumental in it, and to kill the King. The men that put him upon it were all Jesuits, as Mr. Ewers, Mr. Gavan, Mr. Leveson, and *Va vasour*.

Mr. Dugdale swears to the General Plot.

That upon the Killing of the King, they were to be ready with an Army, but not before: though at first it was resolved to raise an Army out of hand.

An Army to be set afoot upon the Killing of the King. Some thoughts of a Massacre.

They had some thoughts of beginning with a *Massacre*, and then to cut off those that scap'd with an Army; but this Witnes did not hear of any certain number resolved upon. These Consultations were at *Tixal*, *Boscobel*, my Lord *Aston's*, and Mr. *Gerrard's*; all in *Staffordshire*: And the *Protestants* were to be destroy'd in the first place.

Touching Sir *Edmundbury Godfry's* Death, *Harcourt* wrote a Letter to *Ewers*, that began thus, *This very Night Sir Edmundbury Godfry is dispatch'd*; and more to that purpose. The Witnes sayingt hus to Mr. *Ewers* about it; *I'll be hang'd if this don't spoil the Design*: whose answer was, that he was a great Enemy of Loofe people, and it would be judg'd some of them had done it in Revenge. The Letter was received upon *Monday* night, and dated on *Saturday*.

A Letter concerning Sir Edmundbury Godfry's murder.

Mr. Prance declared, that one Mr. *Messenger* was engaged by the Lord *Arundell* of *Wardour* and the Lord *Powis*, to murder the *King*; and was promised a considerable Reward, as my Lord's Butler told this Witnes: who afterwards meeting with *Messenger*, and asking him why he would do it; his Answer was, *that he was off on't now*.

Mr. Prance swears to the General Plot.

The King being dispatch'd, 50000 men were forthwith to be raised, as *Fenwick*, *Ireland*, and *Grove* said in the Witnesse's hearing, being all together. That this Army was to set up the *Romish Religion*, and all the *Protestants* to be destroyed: the Lords *Arundell* and *Powis* to command these Forces. And he says, that one *Harcourt* (twice, at his Chamber in *Dukes-street*) told him, that there were several to kill His Majesty. This was in the hearing of one Mr. *Thompson*: and M. *Fenwick* told the Witnes, that M. *Langhorn* was deeply concerned in't; and that was all the Witnes knew.

An Army of 50000 to be set on foot upon the killing of the King.

Dr. *Oates* was then sworn, and this is the summe of his Evidence. That returning out of *Spain* into *England* in *November* 1677, he brought Mr. *Langhorn*

Dr. Oates sworn:

His acquaintance and communication with Mr. Langborn.

*Langborn* Letters from two Sons that he had in Spain, in *English Colledges*, the one at *Madrid*, the other at *Valladolid*. He delivered the Letters within a day or two after his arrivall, to Mr. *Langborn*, at his Chamber in the *Middle Temple*; who treated the Witness very respectfully: and upon telling him that the Witness thought his Sons would enter themselves into the Society, Mr. *Langborn* (standing that way affected himself) was very glad of it; for *matters would not hold long in England as they were*, (he said) and that if they kept themselves in the world, they might quickly come to great preferment in *England*.

His second Meeting with Mr. Langborn.

The Witness was once more with Mr. *Langborn* before his coming to *S. Omers*, (which was in *November old stile, December new*.) when he gave him a Pacquet of Letters to carry with him. In this Pacquet was a Letter of Thanks to the Fathers at *S. Omers*, for their kindness to his Sons in their journey for Spain; and promising the repayment of twenty pound which they had furnished his Sons with upon their passage. This Letter was subscribed *Richard Langborn*, and it made mention of one written to Father *Le Chaise*, in order to our Concerns. (These were the very words.) Now the Letter to *Le Chaise* this Witness did not see, but onely the other that took notice of it: and he said, that Mr. *Coleman* having written to him at large, he should not trouble his Reverence with many words at that time.

Dr. Oates charges Mr. Langborn with dangerous Words.

The Witness remembers also another Letter, either in *March*, or *April*, (he could not say which) wherein Mr. *Langborn* (among divers ill passages) expressed a wonderfull Zeal for the *Catholick Design*; and saying that the *Parliament* began to cool in the business of the *Protestant Religion*; and that now was the time to give the Blow: That was the word (the Blow;) but the Letter was too large to give a particular account of.

Mr. Langborn's prayer for the success of the Design.

Dr. Oates minded the Court of the *Consult* here in *April*. The Witness and divers others came from *S. Omers*, and other parts, to that *Consult*. Mr. *Langborn* himself was not at it; but the Witness was ordered by the *Provinciall* to tell Mr. *Langborn* from time to time what passed there: and upon the report the Witness made him of their proceedings, Mr. *Langborn*, with his hands and eyes up to Heaven, prayed God to prosper them.

Dr. Oates's report to Mr. Langborn.

The summe of the Witness's Report to Mr. *Langborn* was this, That *Cary* was to go *Procurator* to *Rome*: That they had concluded upon the Death of the King: that *Pickering* and *Grove* were to attempt the King's person; 1500 *li.* to *Grove*, and 30000 *Mosses* to *Pickering*, to be the Reward. He told him also, that they had all signed the *Agreement*. And this past a day or two after the signing of it.

He swears Commissions lying upon Mr. Langborn's Study-Table, six, or eight.

The Witness swears that there were at that time divers *Parchments* lying upon Mr. *Langborn's Study-Table*, which he found to be *Commissions* for the *Is. Arundell* of *Wardour*, *Pewis*, *Bellasis*, and *Petre*; to be *Chancellor*, *Treasurer*, *General*, *Lieutenant-General*. That there was one for *Coleman* to be *Secretary of State*, and another for Mr. *Langborn* to be *Advocate of the Army*. They were *Authoriz'd* by a *Brief* from the *Pope*, directed to the *General of the Society*; with the *Jesuits Cross* upon them, and signed, *Johannes Paulus de Oliva*.

Commissions upon a corner of Mr. Langborn's Desk, folded up. Mr. Langborn shew'd the Witness the Commissions.

The Witness being demanded, if they lay *Open*; he told the Court, that they lay upon a *Corner of a Desk folded up*, and that he came to take notice of them, by having information from one *Father Anderton*, that these *Patents* (as he call'd them) were come; whereupon the Witness spake of them to Mr. *Langborn*, and upon his desire, he let the Witness have the sight of them; who remembers that there was One more, for a Son of the Lord *Arundell*, and something for the Lord *Stafford* too, concerning the *Army*. The Witness saw severall of these *Commissions*, and the greater part of them in Mr. *Langborn's Study*; but he could not say all. The Prisoner told the Witness, that for *Inferiour Officers* and all, there were about 50; but a matter of 6 or 8 were all that the Witness saw.

Dr. Oates



Dr. Oates Swears, that in *April* and *May* he saw the Answer to several of Mr. *Langhorn's* Letters to *La Chaise*; and that the Fathers desiring to have the Originals, Mr. *Langhorne* delivered them to this Witness, who carried them to the Fathers. They came from the Fathers, *La Chaise*, (Confessor to the *French King*) and *Anderton*, (Rector of the Colledge at *Rome*.) The Witness saw them in Mr. *Langhorne's* custody; but he cannot say that they were directed to him: The substance of *La Chaise's* was, to assure them of his Firmness to the *English Society*, and that the *French King* would assist them for the Advancing of the Cause.

That Mr. *Langhorne* (being the *Jesuits Solicitor*) went with *Harcourt*, *Fenwick*, *Keines* and *Langworth* to the *Benedictine Monks*, to desire their Aid towards the work: and the Witness hath heard, that at the Prisoners Instance they contributed 6000 pounds; which was by them paid to the Society; and Mr. *Langhorne* was said to have received it, toward the Murther of the KING, and the Change of Religion. This Witness did not see the payment of the Money; but about *July*, or *August*, he heard Mr. *Langhorne* say, discoursing of it, that he would do what he could towards the getting of it; and how troubled he was, That Sir *George Wakeman* made such a difficulty of accepting of *Ten thousand pounds* for poysoning the King: Adding, That it was a publick work, and a Body would have done it for Nothing; but that he was a very Covetous and Narrow-soul'd-man.

A Writing under the *Jesuits Seal* being shew'd in Court to Mr. *Oates*, he presently declared, That to be the very hand which was to the other, and just such a Seal.

Several Questions being put to the Witness, by, or in the name of the Prisoner, Dr. *Oates* Answer'd, That he went towards *St. Omers* at the latter end of *November*, and that he arrived there about the tenth of *December*, *New Style*; That he went in the *Dover-Coach*, and stayed there till *April* following, without stirring from thence: saving only, that he went to *Paris*, and was a Night or two at *Watton*, and then came away in *April*: whether about the middle, or latter end, he could not say; but he was in *England* under *Twenty days*.

There came over with him *Nine* or *ten* in all; as Father *Williams*, Father *March*, the Rector of *Liege*, Sir *John Warner*: and that he could not name any more. The Prisoner objecting to him, that the Names of all the rest were in the Record of the Lords-house; Dr. *Oates* referred him to the Record. The Prisoner ask'd him also, If *Sr. Tho. Preston* and *Poole* came over with him? and the Witness said, they did.

To the Objection, that this was but a Repetition of what was proved the day before, the Prisoner humbly offered, That the Trial of the day before was in another County, and by another Jury, and therefore he presumed, in his own defence, to urge this; in which liberty he was not debarr'd.

The Witness said also, that he thought Sir *Robert Brett* was there. The Prisoner express'd the drift of his Questions to be only this; to see if Dr. *Oates* would now affirm what he swore in the Lords House: Dr. *Oates* telling him, that he might produce that Record; and the Court allowing, that a sworn Copy of that Record would be good Evidence.

the Lords House, admitted to be good Evidence.

Dr. Oates came over with *Hilsley*; and so from *Dover* by *Coach*: but *Mr. Hilsley* parted from him.

Dr. Oates could not say where he lay in *London* the first night after his Return: But in general, that he lay at *Mr. Groves's*.

† Dr. Oates did not say six days, but under twenty.

\* Dr. Oates proves *Langhorne's* hand, having formerly seen an Order from him for payment of Money.

† Dr. Oates proves Letters from *La Chaise* to *Langhorne*, upon his own Confession.

\* Mr. *Langhorne* puts questions about Dr. Oates's Religion.

And whether a *Jesuite*, or not.

† Dr. Oates

The Prisoner ask'd, if the Witness came from *Dover* by *Coach*, or on *Horseback*? Dr. Oates replied that it was a sudden question, but that as he remembers, he came by *Coach*. The Prisoner then giving the Reason of his Question; because upon a Trial at the *Kings Bench*, the Witness said he came in a *Coach* with *Mr. Hilsley*; *Mr. Oates* declaring, that they came over together in the Boat, but upon Landing they parted.

Mr. *Langhorne* ask'd him, where he lodged at his coming into Town? and his Answer was, that when he came in *April*, he lay at *Mr. Groves's*: but being ask'd where he lay the first night, Dr. Oates could not speak certainly to that; but in general, that he lay there, and as he remembers some three or four nights.

† Dr. Oates swears, that he acquainted Mr. *Langhorne* with the *Consult* within a day or two after it; that he returned to *St. Omers*, as he believ'd, the first week in *May*. And being then told, that he had said the day before, that his stay there was but six days; he said that was a mistake, for he said, under twenty.

\* The Prisoner demanded, if Dr. Oates saw him write those Letters he spake of? He said No; but he knew his hand, for he saw an Order of his for the paying of Money to his Sons, and the Money was paid upon that Order.

† The Prisoner demanded, if he could say that *La Chaise*, or *Anderton* ever wrote to him? to which Dr. Oates Answer'd, That he had Letters subscribed with their Names, and that *Langhorne* himself told him that they came from them; and that they were to be imparted to *Priests* and *Jesuites*; and that he delivered those Letters to the Witness to that end.

\* The Prisoner desired to know, how long he staid at *St. Omers*? Dr. Oates told him, till *June 23 New style*. The Prisoner then demanded, (seeing him to be come over from the Church of *Rome* to the Church of *England*) when it was that he went over from the Church of *England* to that of *Rome*; and if he was then Beneficed? The Time, Dr. Oates told him, was in *February* or *March* 1672, and that he was for some time in a Vicaridge at *Bobbing* in *Kent*: and that he came to that Vicaridge in 1672. Mr. *Langhorne* taking notice that he turn'd Papist in 1677, ask'd him whether or no he had left his Living first? Dr. Oates answer'd, That he had left the place not very long before; for the Air did not agree with him: besides, that he had other private Reasons for leaving it.

Mr. *Langhorne* ask'd, if turning *Papist* he became a *Jesuite* also; because he says in his Narrative, *There came nine of us over, All Jesuites*? The Court told him first, that it was not a fair Question; and then, that what he offered was no Evidence.

† The Prisoner then ask'd the Witness, if he had ever been in his Company since that business in his Chamber of the *Consult* and *Commissions*? Dr. Oates made answer, he had been twice with him about the time of the *Consult*, and twice or thrice after his coming over again.

† Dr. Oates had been with Mr. *Langhorne* four or five times.

Mr. Bedloe

## Mr. Bedloe is Sworn.

MR. Bedloe declares upon a question concerning a Writing signed by the *Superiour* of the *Jesuites*, that he had it at Mr. *Daniel Arthurs*; and that finding it to agree with the Hand and Seal that he had observed upon Commissions in *Paris*, he presented it to the Council.

[Let the Reader observe here, that this was a business only of a private Concern.]

The Witness swears to this effect: That he had no familiarity with Mr. *Langborne*; but some *three* years since, being entrusted by Mr. *Harcourt* and *Coleman* with certain Letters to *La Chaise*; Mr. *Coleman* carried him to Mr. *Langborne's* Chamber, who there Entred them; and they were then sealed up by Mr. *Coleman*, who delivered them to the Witness to carry them: The Letters being written at Mr. *Coleman's*, and only Registered by Mr. *Langborne*. Some of these Letters were read in Court at Mr. *Coleman's* Trial.

The scope of them was only to inform *La Chaise*, that he wanted nothing but Money now in *England* to accomplish the work; and to learn what supplies they might expect from *France*. That the Catholics were safe in *England*; all places of Trust in their hands, or at least, in such as were well inclined: and that, considering the conjuncture of the present Power of the *French King*, and a general disposition of Circumstances here, there never was so fair an occasion of accomplishing their ends. This was to Father *Stapylton* in *English*: But the other to the *Nuncio*, and *La Chaise*, were in *French*, and to the same purpose.

Mr. *Langborne* Copied these before the Witness: He went into his Study, and wrote while Mr. *Coleman* and the Witness walked in the Chamber. The Witness declared, that there was not a penny of Money in his business, but some way or other past his Accounts. The Witness cannot say that ever Mr. *Langborne* spake to him expressly of the *King's* death, but only of the *Main design*.

The Witness was with him a *second* time, about a year and half since, and it was from *Harcourt*, for the Registering of another packet of Letters. He took the Packet, and without much heeding the Messenger, sent word to Mr. *Harcourt*, that Mr. *Williams* (a Name that this Witness was known by) had brought him some Letters; which he would return again the next day, as soon as he had Coppy'd them. That Mr. *Harcourt* shew'd this Witness the Answer: In this Packet there were two Letters, one (says the Witness) that he brought out of *Spain* from Sir *William Godolphin*, directed to the Lord *Bellasis*, which was sent to Mr. *Langborne* some three weeks after to be Entred: the Other, from the *Irish Jesuites* in *Salamanca*, directing that the rest of the Lords concerned, and the whole *Popish Party* in *England* should be in readiness; for they had now gotten some *Irish* casheer'd Souldiers that should be laid to embarque at the *Groyn*, under the colour of *Pilgrims*, and then to Land at *Milford Haven*; where (as the Witness said) the Lord *Powis* would have a considerable body of Men to help forward the design. The Prisoner Enter'd *Coleman's* Letters into a large *Parchment Book*, but the Witness did not see him Enter the Other: The Book seem'd at least *three Inches* thick, and that two thirds of it were filled.

Pritchard



Mr. Bedloe told, that Langhorne had the Commissions.

Money from the Benedictines.

Mr. Bedloe deposes the minutes of the Result to be enter'd by Langhorne.

Nothing wanting, but Money.

Eight hundred thousand Crowns to be remitted from Rome.

Keines told the Witnesses of a Chiding Letter from Barbarini.

Pritchard telling the VVitnes, that the Commissions were in Mr. Langhorne's hand, and every thing now ready; the VVitnes asking about His Commission, Pritchard made answer, that Mr. Langhorne's Commissions were only for the General Officers: And that the VVitnes must have his from the Lord Bellasis.

As to the Money to be advanced by the Benedictine Monks, the VVitnes says, that in the Pacquet to *La Chaise* of May 1676 there was a Letter inclosed to Mr. Stapylton (a Benedictine Monk) to furnish the Money they had promised: The Sum was not named, but the VVitnes says that *La Chaise* told him, that the French King was sure enough, and the Money not to be doubted. Nay, that part of it was already sent over to Coleman, and Ireland; and the rest should follow so soon as they were ready for it. The VVitnes declares, that he never discoursed with Mr. Langhorne about Commissions, nor ever saw any in his hand, only Pritchard told it to this VVitnes. But that Sr. Henry Tichburne at Paris shewed the VVitnes three Commissions, signed and seal'd in form, which made him take so much notice of the writing produced this day in Court of Mr. Arthurs, having the same Hand and Seal to it.

How far Mr. Langhorne was privy to the treachery of *Pickering*, and *Grove*, this VVitnes cannot say: But Mr. Harcourt told the VVitnes upon a particular occasion, that he was going to Mr. Langhorne to Enter the Minutes of that Mornings resolution; which was a Result for the dispatch of those people to New Market that were to Murder the King. But hearsay being no Evidence, Mr. Bedloe was Examined what he remembred out of any Letter that he saw Mr. Langhorne transcribe: And so he informed the Court, that in a Letter of 1676, an Account was desired of the Religious at Doway and Paris, what progress they had made with the rest of their Friends, towards the furnishing of Money; for the Hearts and Arms of the English were ready; the Garrisons plac'd in good hands, and nothing but Money wanting. There were three of these Letters transcribed by Mr. Langhorne: One to *La Chaise*, another to the Popes Nuntio, and a third to the English Monks at Paris. There were in these Letters expressions of Arms and Garrisons; and in that to *La Chaise*, an Invitation of the Assistance of the French. The Letter it self did not mention the destruction of the King, and of the Protestant Religion; but Mr. Langhorne and Mr. Coleman's discourse expounded the meaning of it, and that it was to overthrow the Government, and set up Popery; and they did also lay their heads together after the Letters were transcribed. Here Mr. Langhorne asked, if this were all that Mr. Bedloe had to charge upon him? whose Answer was, that he thought of no more at present, but something else might come into his mind hereafter.

Dr. Oates now minded the Court of one thing which he had forgotten: There were 800000 Crowns (he said) as a Contribution from the Congregation at Rome to be remitted into England: Mr. Langhorne was inquisitive after this Money, having advice that it was received in France; and Mr. Langhorne himself told Father Harcourt, Keines and Fenwick, in July or August, that the Money was lodg'd in France.

Mr. Bedloe also recollected himself, that Keines told him one day, I must go immediately to Mr. Langhorne; and when he returned afterward, with a Letter in his hand, he told the VVitnes that Cardinal Barbarini had sent Mr. Langhorne a Chiding Letter, for slipping their opportunities, and making no more hast. This VVitnes did not see the Letter, but Keines told him the tenour of it; and that he had it from Mr. Langhorne.

These

These VVitnesſes having delivered their Evidence, the Priſoner deſired they might not depart the Court.

Thomas Buſſe declares, that in September laſt, drinking with an old Acquaintance that was newly come out of Italy, and juſt going over again, one Anthony being in the Company; *You muſt have a ſpecial care* (ſays he to Anthony) *of thoſe four worthy Gentlemen that I brought over with me.* What (ſaid this VVitneſs) from Italy? No (ſays he) *but they are four worthy* *Irish Gentlemen, that will do our buſineſs.* This VVitneſs neither asking any Queſtion, nor heeding the matter till Coleman's Trial, that ſpeaks of the *Irish Men* that were to attempt the King at Windſor; and then he reflected upon it. He that ſpoke it, had ſome Relation to the *Benedictine Monks* in the Savoy; and Anthony was ſomething about the *Queens Chappel*; both of them *ſtrong Papiſts*. So that an Order was granted, with all Reverence to her Maſteſty, for the enquiring after Antonio, Hankinſon being gone again beyond Sea before.

Mr. Langborne offered to the Court, that the two VVitneſſes againſt him were parties in the Crime charged upon him; and he deſired to know, whether they had their Pardon, or not? Mr. Bedloe made Answer, that he had *Three*; and Dr. Oates, that he had *Two*, under the *Broad Seal*: Mr. Bedloe ſaying, that he gave no Evidence till he had it. It was declared that they were Witneſſes, whether they had or not; or otherwiſe, that they ſhould not have been admitted. Mr. Langborne however remitted himſelf to the Court, as to his Council, *Whether* *having had their Pardons, they might not fall under the ſame proſpect* *in Law with an Approver; not as directly being Approvers, but under ſome Equivalence of Reaſon with them.* If the Approver be pardon'd, the Appellee ought alſo to be diſcharged: it ſeems hard that thoſe that were *Participes Criminis*, and having now got their Pardons, ſhould be admitted for allowable VVitneſſes againſt the Priſoner.

Mr. Langborne deſired alſo to know, if they had either received, or if they did not expect gratifications or Rewards for their diſcoveries? Dr. Oates, to acquit himſelf, declared that *he had been Rewarded by expending Six or ſeven hundred pounds out of his own Pocket, without knowing whether ever he ſhould ſee it again.* Mr. Langborne ſaid, that a Priſoner (Mr. Reading) told him Mr. Bedlow had received *Five hundred pounds.* To which it was Answer'd, that firſt, Mr. Reading was an Incompetent VVitneſs; and ſecondly, his 500 l. was for the diſcovery of Sir Edmond's Godfrey's Murther; not for the Plot. \*Mr. Bedlow affirmed, that he was ſo far from gaining by his Diſcovery, that he was *Seven hundred pounds out of pocket.*

As to the Approver the Court told him, he was ever allowed maintenance, and there muſt be a proof of corrupt Contract, or Subornation, to invalidate a Witneſs. Mr. Langborne gave the Court the Reaſon of preſſing this, for though it might be very prudential to invite any man to come in by the promiſe of a Reward towards the diſcovery of a Plot, where ſuch a perſon abſents himſelf; yet it ſeems very hard, that when a man is once in Cuſtody, VVitneſſes ſhould be call'd in againſt him by ſuch means: The Priſoner was here adviſed to ſpeak firſt to the Fact, and afterwards to the Witneſſes. The Priſoner, upon this, repreſented to the Court, that he had no poſſibility of making any other defence; ſetting forth, that from the 17 of October, to that day *Seven-night*, or Friday laſt, he had been kept ſo cloſe that he knew nothing of what was done abroad; no Friend or Relation admitted to him; he could never hear what was charged upon him, and could not foreſee

A Diſcourſe  
about Four  
Irish-men.

To the Pri-  
ſoners Que-  
ſtion about  
the Wit-  
neſſes Par-  
dons, Mr.  
Bedloe had  
Three, and  
Mr. Oates  
Two.

To Mr.  
Langborne's  
Objection,  
that the  
Witneſs  
had a Re-  
ward, Dr.  
Oates prov'd  
the contra-  
ry: and that  
he was 6 or  
700 l. out  
of pocket.

\*Mr. Bedloe  
to the ſame  
Queſtion  
answers  
that he was  
700 l. out  
of purſe.  
The point  
of the  
Approver  
over-ruled.



what would be, and therefore he had no other plea left him, but the Incompetency of the *Witnesses*. It was objected to him as a Scandal to the *Kings Proclamation* to suppose an Incouragement to the swearing of a *Plot*, where there was none; and that *King, Lords, and Commons* were touch'd in such a Reflection. Mr. *Langborne* said no more, but that there was a Reward propos'd; and so call'd his *VVitnesses*.

Dr. *Oates* inform'd the Court of *Papists* coming in with their Swords. *Hilsley* denies his coming over with Dr. *Oates*. Mr. *Gifford* says, that Dr. *Oates* was at St. *Omers* after *Hilsley's* going away. Dr. *Oates* still at St. *Omers*. Dr. *Oates* Sworn to be at St. *Omers* from December till June. Mr. *Langborne* urg'd Dr. *Oates's* Narrative, and Oath, before the *Lords*, against him. Sr. *John Warner* at *Watton*, when Dr. *Oates* came over. And Dr. *Oates* at St. *Omers*.

Dr. *Oates* informed the Court, that there were *Papists* come in with their Swords on: but that apprehension being compos'd, Mr. *Langborne* desired that Mr. *Hilsley* might be set up first; who gave this Account,

That he came over from St. *Omers* April 24 New style, that he left him at St. *Omers*, and that he did not overtake him at *Calan*, as is suggested. That 'tis true he lost his Money, as Dr. *Oates* says, and that he himself had met one by the way that told Dr. *Oates* the story.

Mr. *Gifford* declared, that he did see Dr. *Oates*; and that he told them at St. *Omers* that *Hilsley* was gone away; and this was some three or four days after he was gone: He did not remember what passed in the particular discourse; nor whether any body was by, when Dr. *Oates* and he were speaking concerning *Hilsleys* being gone away.

There stood up a *Third Witness* then; who said, that Dr. *Oates* was with him, and Mr. *Burnaby* came into the Company, and told him that he met with Mr. *Hilsley*, and that he was coufend of his Money: he did not say how, but by a *shirking Fellow*; and the *VVitness* does not know whether he named the place, or no.

To prove now that Dr. *Oates* must know This by another hand, the *third Witness* affirmed further, that Dr. *Oates* had been at St. *Omers* from December, till June, except one day that he was at *Watton*, where he saw him almost every day: That he saw him in the *Refectory*, where he had a little Table by himself; That this *Witness* was there every day, and there he saw Dr. *Oates*.

Mr. *Langborne* offered then, what appears both in his *Narrative*, and upon his Oath in the *Lords house*; that he affirm'd Sir *Robert Brett* came over with him. But Mr. *Langborne* was to have spoken to something that was Sworn There. Mr. *Langborne* prest it, that Dr. *Oates* had own'd that what he Swore was truth; and so proceeded to his *VVitnesses*, concerning Sir *John Warner* coming over with him.

The *Fourth Witness* was Sir *John Warners* Gardener; who affirmed, that his Master was at *Watton* all April and May 1678; That the *Witness* was only four days away at St. *Omers*, and left his Master, and found him at *Watton*: That for the last of April, the first, second and third of May he saw Dr. *Oates* at St. *Omers*; and when he went away, he did not know. He affirm'd, that Sr. *John Warner* was at *Watton* all April and May, but he would not speak to all June: Being asked, why not to the one as well as to the other? His Answer was, that the *Rector* (Sir *Francis Williams*) came then for *England*, and in the Absence of the *Rector* he took upon him the Charge of the House. This was the 24th of April; where Sir *John Warner* was in June and July he could not tell, nor where in August and September; more than that he went out of Town then, and the *VVitness* knew not whither. The Court ask'd him, how he came to be more doubtful of these Months than of the rest? And his Answer was, because that the question fell upon the other Months. It was then reflected upon, that April 24 was the very day that Dr. *Oates* came over; and the *Rector*, one of those that he said came over with him: but the *VVitness* reply'd, that the



the Rector came single, having onely one Officer of the College. Mr. Gifford was then Examined, as to Sir John Warner; who declared, that he saw him about June in St. Omers, and then in June or July, when he invited the VVitness to Watton.

The Fifth Witneß affirms, that the first of May being a great Feast, he saw Dr. Oates for four days; and afterwards all the Month of May: and that he also saw Mr. Pool, and Sr. Robert Brett, at the same time; but where Sir John Warner was then, he knew not; Dr. Oates affirmed that Mr. Pool came over with him.

The Fifth Witneß further Informed, that Mr. Pool (being his Musick-Master) could not be away without his missing of him. That Mr. Pool came from St. Omers in the Month of June; affirming, that Mr. Pool was at St. Omers all May.

There was a Forreigner then produc'd; who, by an Interpreter, said, that he saw Sir John Warner actually at St. Omers in April and May, and that he Converfed where he was all May, and saw him every day from the first Sunday in April to May 14th. upon which day he went to St. Omers, and back again, Sr. John Warner having then employed him about a Building.

Carpentiere then Informed, that he saw Sr. Tho. Preston at Liege all through Murch, April, May; and in June he was there: In the Vacancies of August and September he was gone, and about the second of October he returned. The VVitness hath been four years there, and can Answer that for these three years last past, Sr. Tho. Preston never was in England.

Another Forreigner Informed; that he saw Sr. John Warner at Watton, from April 14th to the 25th, and that he was there to the 16th of May; that at the beginning of April he was Superiour, and Governed in the House; and he was also in the House the latter end of May; save one day, and then he went to St. Omers.

John Joseph Informed; that Sir Tho. Preston, in March, April, May and June, was at Liege, and so likewise in July; but in the Vacancies he was absent: That he saw him constantly, and in two or three days, and that he never heard it said, that he was in England; and that after the Vacancies he return'd, in the beginning of October.

A Tenth Witneß Informed, that April 25th Dr. Oates went into the Infirmary and stirred not out of the College; that he saw him at St. Omers all April and May, and a great part of June, positively to the 20th; and he was there also in February and March; but in January he lay one night at Watton; and that he did not come over April the 24th.

The Eleventh Witneß Informed; that Mr. Pool was at St. Omers all April and May, and went by the name of Killingbeck; and that he believes so was Mr. Brett.

A Twelfth Witneß Informed; that he saw Dr. Oates at St. Omers almost every other day, so long as he was there: that he saw him first at the beginning of December. That he saw him positively in April, and the first of May, and that he staid till June; by tokens that he saw him in April at an Action, and the first of May, being a great Feast, he saw him at Nine-pins in the Garden. Touching Sir Robert Brett, and Mr. Nevil, he could not speak to the former; but for the latter, once in three days he believes he saw him.

A Thirteenth Witneß Informed; that he saw Dr. Oates at St. Omers first in December; and so forward throughout all the Months, till towards the latter end of June.

Ano- June.

Dr. Oates at  
St. Omers.

Another *Witness* Inform'd; that he saw Dr. Oates at St. Omers all the Months of *April*, *May*, and a good part of *June*; and that Mr. Pool was the *third* of *May* in the *Infirmary*, which he remembered, it being a Festival, and the day before there was an *Action*. Mr. *Hillsley* went away a day or two after, and the *Witness* had half an hours discourse with Dr. Oates: He saw him also a day or two after walking in the *Gallery*; and the *second* of *May* with one Mr. *Burnaby*; and then he saw him the *third*, *fourth* and *fifth* of *May* with Mr. *Burnaby* again.

Dr. Oates  
prov'd to  
be at St. O-  
mers from  
December  
to June.

And then one Mr. *Hall* Inform'd, that between *December* 1677, and *June* 78, Dr. Oates lay every night in the *College*; except *One*, in *January*, at *Watton*; and that for the time that he was there, this *Witness* never mist seeing of him two days together; save when he was in the *Infirmary*: and in *March* Dr. Oates was there also with Mr. *Burnaby*, after Mr. *Hillsley* had been gone a week; and he was *Confirmed* there *May* 26th; he was there all *April* and all *May*.

Mr. Pool and  
Nevill at St.  
Omers.

As to *Pool* and *Nevil*, they were there *March*, *April*, *May*, *June* and *July*.

Dr. Oates,  
Nevil and  
Pool, at St.  
Omers.

A *Forreigner*, by an *Interpreter*, Inform'd; that he saw Dr. Oates sometimes in the *House*, sometimes in the *Garden*, till towards the end of *June*; that he was in the *Infirmary* about *Christmas*: *Nevil* and *Pool* were there all *June*; and Mr. *Pool* left them in *July*. This *Witness* was a *Waterman*, and carried *Williams* and *March*, the last Sunday in *April*, in his *Boat*.

The same  
Evidence  
again.

The next *Witness* Inform'd, that in *April* and *May* he saw Dr. Oates at St. Omers; and that Mr. *Pool*, Mr. *Nevil*, and Mr. *Brett*, were there too. This *Witness* was a *Taylor*, and having a *Suit* of *Cloathes* to make for Mr. *Killingbeck*, Dr. Oates came into the *Shop*, and ask'd him questions about them.

Mrs. Grove  
affirms, that  
Dr. Oates  
never lay at  
her House.

Mrs. *Grove* then Inform'd, that she never saw Dr. Oates: that she had *Lodgers* in her house *April* was *Twelvemonth*; and that she knew them not till they came to lie there; and that Dr. Oates could not be there, but she must know him; for there was no place to Lodge him. Dr. Oates affirmed, that he lay alone when he lay there and that it was the place where two men were seized, and carried away. The *Witness* owned that such men had been seized there; but denied that Dr. Oates ever lay in That place: Dr. Oates swears that he did lie there *three* or *four* *Nights*, more or less. It was considered, that Dr. Oates being in a disguise might not be known; but the *Witness* said that she knew them all, and nam'd them: one *Strange* and Mrs. *Fitz-Herbert* lay one pair of *Stairs*, her *Sister* above, and there they lay all *April* and *May*, and in *March* too there lay one Mr. *Crupper* in the *Room* where the men were taken, and a young man with him; which young man was a *Prisoner* by Mr. Oates procurement, and Mrs. *Fitz-Herbert* Lodged there too.

Dr. Oates  
swears, that  
he lay there  
3 or 4 nights  
in a Dis-  
guise.

Mrs. *Grove's* Maid Inform'd, that her *Mistresses* *Brother* and *Sister* lay in the *Room*, and no men but Mr. *Strange*; he and Mrs. *Fitz-Herbert* lay there in *April*, *May*, *June*, *July* and *August*.

Mr. Lang-  
borne charges  
D. Oates  
with Con-  
tradicting  
his Evidence  
before the  
Lords, and  
his Narra-  
tive.

Mr. *Langborne* desires liberty to prove a *Copy* of the *Record* in the *Lords House*; which not being allowed for *Evidence*, he told the *Court* that it was an *Extra* out of their *Journals*; and the particular he Insisted on, was concerning the *Company* that Dr. Oates says came over with him from St. Omers: It is that which Dr. Oates remitted himself to, and has gone over and over with it, That Sir *John Warner*, Sir

Thomas

*Thomas Preston*, and *Mr. Pool*, came all along with him. The Prisoner was told, that if he had a *Record* to overthrow his present Evidence, he might produce it; *Mr. Langborne* then desired that those that took *Ireland's Trial* might be called, and that he might be permitted to make proof by Witnesses of what was there Sworn, with regard to the Prisoner at the Barr; and being told that it was not to be done, the Prisoner desired to know why not; for he had a Witness to prove that such words were spoken; without which he had no means of Defence? The Answer to him was, That as it would be no proof against him, so it could be none for him.

There was a Complaint here brought in by the *Lord Castlemain*, of Violence offered, by the Rabble, to the Prisoners Witnesses; and that they were in danger of their lives, for their coming to give Evidence: which was highly resented by the Court, as an affront to publick Justice, and direction given to enquire out the Offenders, that they might be punished.

A Witness was now called to speak to one point; about the meeting at the *Whitehorse Tavern*: who Informed, that she had kept the House Seven years, and left it last July. The Question was about the Number that met at that Consult? *Dr. Oates* Answered, that there might be some eighteen or twenty there at a time, and that they were divided into several Rooms. The Witness said, that she knew the greatest part of those that used her House, and that she could say nothing to the particular of who was in her House April the 24th 1678; but that she did not remember that ever she saw *Dr. Oates* there. It was plain however that he might be there, and she not know on't. *Mr. Langborne* gave this Reason for asking how many, because *Dr. Oates*, both in his *Depositions* before the *Lords*, and in *Colemans Trial*, affirmed, There were fifty Persons at that Meeting; and that then they adjourned into several small Meetings. But it was returned, that so there might be, at several times of the same day; and *Dr. Oates* explained himself, That though the Meeting was the 24th day, the Consult continued yet till the 26th at Night. The Witness urged, that she never knew so many in the House together, but once, in all her time, and that was upon a Fury; and they were forc'd to put them into three Rooms, for there was not a Chamber to receive above a dozen: Upon this three Witnesses made Oath; the first, that he had seen a dozen or sixteen at dinner there in a Room together; and that it would hold twenty: the second, that there were two Rooms in the House, where twenty five or thirty might Dine together in either of them: and a third, that he himself was at a Wedding-dinner there, towards the Street, where there were above twenty Persons. The Prisoner thought it material however, if the Room would not hold fifty; and he spake only upon Information, for he had never been There.

*Mr. Langborne* being ask'd, if he had any more Witnesses, mov'd that he might reserve them till the *Kings Council* had spoken; but that was not found allowable: so he pray'd an Answer to a Question or two, if the Court pleas'd. The one; Was *Mr. Ireland* here in London in August, or not? To which it was reply'd, that it was a point foreign to the matter in question. The other was, Since *Mr. Oates* affirm'd himself six or seven hundred pound out of purse since his Discovery, if the Prisoner might examine two Witnesses upon the probability of that assertion; for if he were extreemly Necessitous before, how should he get Credit for it since, but by his Evidence? But it was found to be a matter clear from the Point to demand of him, how he came by his Money.

Q

Mr.

The Witnesses affronted by the Rabble, and the Court much offended at it. Never a Room in the *Whitehorse Tavern* that would hold the Consult.

Being said to be fifty Persons.

Prov'd, that two of the Rooms would hold 25 or 30 a-piece.

*Mr. Langh.* offer'd some Questions to the Court, which were not admitted.



Mr. Langh. Mr. Langhorne then offer'd a Copy of a *Record* of the House of Lords, urg'd Mr. Bedloes con- to prove that Mr. Bedloe had there declared, that *he had no Person* tradit'g his Evidence there Charged; and that he the Prisoner was none of the Persons there before the Lords. Charged. It was Objected, that he might forget things at that time, and call them to mind afterwards; and besides, that some body should have been produced to prove, that Mr. Bedloe took That Oath.

Mr. Langh. Mr. Langhorne offered a Question now concerning the *Commissions*, asks how asking whether or no (and to *whom*) the Prisoner distributed those *Commissions*, as the VVitness says he did?

Dr. Oates Replyed, That he only said the *Commissions* were delivered, but not to *whom*; but that he affirms they were for those *five* Persons, and that the Prisoner himself told him in *July*, or *August*, that he had dispos'd of them, without naming to whom; only speaking of *one*, which he sent his Son with to my Lord *Arundell's* eldest Son: He told this VVitness, it was delivered, not calling to mind that he knew of any other. This Question is put (says Mr. Langhorne) because Dr. Oates Charged the Prisoner before the *Lords*, with sending the *Commission* to the *Lord Arundel* himself. Dr. Oates affirming also, that he saw a *Letter* in the Prisoners Chamber, acknowledging the Receipt of it.

And charg-  
es Dr. Oates  
with a mi-  
stake.

The Narra-  
tive of Dr.  
Oates's Evi-  
dence at  
*Colemans*  
Trial.

No Evi-  
dence in the  
*Law*.

Mr. Langhorne desired, that Mr. *Lidcott* might be examined to a point of Dr. Oates's Evidence at *Colemans Trial*; where he says, that he came, and communicated to the Prisoner the Matter of the *Consult* the very next day after it, and never saw the Prisoner any more; but Mr. *Lidcott* (though *present* there) was not able to speak to the particulars of the *Trial*; so Mr. *Blany* was ask'd what he could Testifie upon that point; who acknowledged, that he took the Notes, and remembered something about Mr. Langhorne; but could not charge his Memory upon it without Book: So Mr. Langhorne presented the *Narrative*; which Mr. *Blany* said was not printed from his *Copy*. But an *Historical Narrative* was agreed to be no Evidence in Law. Mr. Langhorne offer'd, that without some light to his Charge he could not prepare himself for his defence: and that in other Cases people are confronted before a Magistrate, and so come to understand the Matter of their Charge.

Mrs. *Sillyard* was called; but affirming that she durst not give Evidence without being secur'd from the Rabble: and the Court being only able to promise Justice upon any Offender in *that* kind that should be brought before them, she was discharged, by Mr. Langhornes consent, without Examination.

Mr. Lang-  
horne insists  
upon the  
Incompe-  
tency of the  
Witnesses.

Mr. Langhorne said, that he intended to make use of her Evidence to a Deposition of Mr. Bedloes at *Readings Trial*; which was, that he could have said more against *Whitebread*, and *Fenwick*, then he did at their First Trials; which Concealment he took to be Perjury; for not having told all the Truth; and that however Impertinent it might seem, it was yet of great effect to the Prisoner, to shew that the VVitness against him was not to be believed. But Mr. *Whitebread*, having before receiv'd an Answer to that Objection, the *Kings Council* summ'd up the whole Matter in brief to the Jury; and then more of the Kings VVitnesses were Sworn.

*William Walker* deposeth, That he had known *Dr. Oates* seven or eight years. That towards the end of *March 1678*, or the middle of *April* following, he had seen him in *England* in a Disguise, and could not call him to mind that Night; but early in the Morning it came into his head that it was *Titus Oates*: and so he rose early to enquire of a Gentlewoman concerning him, that knew him; and asking her how *Dr. Oates* did, she struck her hand upon the Counter, and cried, *He is an undone man, for he was turn'd Papist.* The VVitness asking her then, if she knew were he was? *No*, said she, *he is skulking somewhere up and down here, and dares not shew his head in the day.* Whereupon this VVitness told her, that he had seen him the day before, about *ten* in the Morning, betwixt *St. Martins Lane* and *Leicester House*; but that he was disguised: and the VVitness described his Habit to her. *Mr. Langborne* prayed he might speak to the Time as near as he could; and the VVitness said, that he did rather think (but could not be positive) that it was about the *Middle of April*, and that it was *1678*, not *1677*; about the time of the year, when he usually came to Town to receive Money. And the VVitness affirms, That it was *Dr. Oates* whom he saw, and that he was brought up for a VVitness, having spoken of this passage to several Persons after the Report of the Plot; which he supposes might come to *Dr. Oates's* ear by Chance.

*Mrs. Ives* then deposed, that *Mr. Walker* told her, (being the Mistress of the House) the substance of what he gave in Evidence concerning her; adding, that it was about the *middle of April* was Twelve-month, and that *Dr. Oates's* Father coming then to her shop, and eating some *Cream-cheese*, upon their first coming in, she told him the Story that *Walker* had told her.

One *Butler* was Sworn (*Sr. Richard Barkers* Servant) and affirmed, that he had known *Dr. Oates* two or three years, and that he saw him the beginning of *May* last was Twelve-month at his Masters house, enquiring for *Dr. Tongue*: that he was so disguised, as that he hardly knew him. That the VVitness in Court was the Man, and *Titus Oates* his Name. This VVitness bad him *Welcome* into *England*, but he went in, and came forth again, without taking any notice of the VVitness. He was in a Grey-coat, a Flopping-hat, Plain-shoes, his Hair cropt to his Ears; and one would rather have taken him for a *Shepherd* than a *Minister*. *Mr. Langborne* ask'd, if it were in *1678*, or in *1677*? The VVitness affirmed it to be in *May* was Twelve-month, and that he told his Master about a week after, at his coming out of the Country, That *Dr. Oates* had been there, in a strange Drefs, to ask for Doctor *Tongue*.

*Cecily Mayo* was then Sworn; and said, she never saw *Dr. Oates's* face till about a fortnight before *Whitsontide* was Twelve-month; and that then a Servant of *Sir Richard Barkers* shew'd him to her at the Window; and that this Gentleman (*Dr. Oates*) in Court is That man.

*Philip Page* deposed, that he had known *Dr. Oates* five years; and that he saw him at *Sr. Richard Barkers* about the beginning of *May* was Twelvemonth: and that he was positive that *Dr. Oates*, then in Court, was the same Man.

*Sir Richard Barker* deposed; that he had known *Dr. Oates* from a Child, and that his Servants told him, that they had seen him about a year ago; and that he himself had not seen him, which he wondred at, having lately seen his Father, who said nothing of it: and that he the VVitness had thoughts of bestowing a Living upon him. It was in

*Mr. Walker* deposes, that he saw *Dr. Oates* in *London* in *March* or *April, 1678.*

*Mrs. Ives* swears to the same effect.

*Butl.* proves *Dr. Oates* in *England* in *May* last.

*Cecily Mayo*, and *Philip Page* swear *Dr. Oates* in *London.*

*Sir R. Barker* told as much by his Servants.

*Whitson-*

*Whitson-week*, at the VVitnesſes coming home, that he was told by his Servant of Dr. Oates's being there, and of his Dreſs; but upon enquiry what Meſſage he had left, it was answered, that he only asked for the VVitneſs, and for Dr. Tongue; and this was in the beginning of *May* was Twelvemonth. Mr. Langborne ſeemed to admire that the VVitneſs ſhould intend him a *Benefice* under theſe Circumſtances. Sir Richard Barker was certain that this was in 1678: and informed the Court like- wiſe, that a Grandſon of Sir William Thorold (now Sr. William Thorold) and two or three of the *Univerſity* had a Converſation with Dr. Oates at the ſame time, which he preſented only as a *Circumſtance*.

Mr. Clay ſaw  
Dr. Oates  
twice in A-  
pril & May.

Mr. Clay depoſed, that he had known Dr. Oates ſince *April* laſt was Twelvemonth; and that he had ſeen him twice in *April* and *May*, at the Houſe of Mr. Charles Howard, which was a part of *Arundel-houſe*, that was ſince turn'd into a Street: He remembring it by this Token, that Mr. Charles Howard told the Witneſs he had been at St. Omers, and was now come over again, and that he had ſome inclinations of entring into the Society; but that he thought he ſhould put him off: the VVitneſs declaring himſelf to be of the *Church*, but not of the *Court of Rome*. And that he was certain that this was in 1678. Mr. Langborne deſired to know, whether Mr. Clay rememberd any thing of Dr. Oates's playing at that time with Mr. Howards Son, or talking to him about his Book, or asking him Questions? But Mr. Clay rememberd nothing of it, nor that Mr. Howards Son was in the Room.

Mr. Smith  
ſaw him the  
firſt Monday  
in May.

Mr. Smith depoſed, that Dr. Oates had been his Scholar; that he knew him before the Fire of *London*, and that Dr. Oates gave him a Viſit, and dined with him, at *Iſlington*, at the beginning of *May*, the firſt Monday in *May*, as he rememberd; and that he was with him 3 or 4 hours. That the Witneſſes Wife was there, and that they diſcourſ'd of Dr. Oates Tra- vels into *Spain*, *Valadolid* and *Salamanca*; that he had a *Cinnamon* co- loured Suit on, and green Ribbands.

Mr. Charles  
Howard ſaw  
him in July,  
but not in  
May.

Mr. Charles Howard declareth, that he knew Dr. Oates very well, and that he had known him upward of two years, and that he had been di- vers times at *Arundel-houſe*; and particularly about two years ago. That he rememberd him there after *July* was Twelvemonth, but not in *May*; and that the Witneſſes Son dy'd in *May* 1677. Mr. Howard declaring, that in *April* 77 his Child was living, and that Dr. Oates and Mr. Clay dined there with him: Dr. Oates affirming, that he had not been two years acquainted with Mr. Clay. Mr. Clay alledging, that he never knew Dr. Oates before the end of *April* laſt year: And likewiſe, that Mr. Howard had a Son yet living at that time. Dr. Oates informing the Court, that one Son of his was dead a Twelvemonth before Mr. Clay and Dr. Oates met there. Mr. Howard explaining himſelf, that he ſpoke of his eldeſt Son, who deceaſed two years ſince.

Mr. Lang-  
bornes De-  
fence and  
Exception  
to Dr. Oates  
his Teſti-  
mony.

Mr. Langborne being called upon to ſpeak what he had to ſay, repre- ſented his Caſe; That he was accuſed by two VVitneſſes: the firſt, Mr. Oates, againſt whom, if he could prove any thing falſe given in Evidence, he conceived that he ought not to be regarded. As for Sir Tho. Preſtons coming over with him in *April*, it hath been clearly made out that he was then at *Liege*: and for Sr. John Warner, Mr. Pool, and others, com- ing in the ſame paſſage, he ſaid, that the falſity was proved againſt him beyond diſpute. Then as to himſelf, it was proved likewiſe that he was ſick in the *Infirmary* after Mr. Hiſſley was come away; he depoſing that they came together. Theſe Particulars being clearly proved, he thought ſufficient to take off Dr. Oates Credit; averring alſo, that from *November* 1677 to that minute, he never ſet eye on him. The Priſoner ſet forth, that



that he had been a great while kept close, and but one Week allowed him to prepare his defence; and therefore depending that he would have delivered the same things here which he has publish'd in his *Narratives*, all that the Prisoner could do was to arm himself as well as he could against these Points. Mr. Langborne did likewise tell the Court, that he had seen Dr. Oates in *Michaelmas Term 1677* once or twice, and that he brought him a Letter from his yonger Son in *Spain*. He told the Prisoner, that he would go over to *St. Omers*, for he could not get himself admitted into any of the Colleges in *Spain*. He affirmed, that since that day, till now in the Court, he never saw him; nor knew a face of any of the Witnesses from *St. Omers*: And that he hoped the Jury could not look upon those Youths as Capable of driving on a *Design*, or aiming at a *Reward*. It was reflected, They were all *Papists*, and in a *Common Cause*. Mr. Langborne offer'd to that Objection, That if the One side ought not to be Credited, as being *Papists* and *Friends*; so neither was the Other, as being *Enemies*. If it were clear, that he neither Lodg'd at *Groves*, nor came over with *Hillsley*; or that neither Sir *Thomas Preston*, *Warner*, or *Poole* came with him, that then his Evidence ought not to be look'd upon as valuable.

And then as to Mr. *Bedloes* Evidence, it may be considered; *First*, And to Mr. there is no proving of a *Negative*: *Secondly*, that the Prisoner had no acquaintance with him, nor can say, that in his whole life, he ever saw him before This Occasion: (But yet 'tis possible that he might see him, and not know it.) Is it probable now (says Mr. *Langborne*) that the Prisoner, if he were guilty, would ever have taken Mr. *Bedloe* into a Confidence, in a Privacy of this Nature; or that a Person of the Prisoners Practice should spend his time in Registering Letters, and keeping Accounts for any particular *Religious Order*? If the Prisoner could have known his *Charge*, he might have accommodated his *Defence* to it: and the Witnesses that he had were only such as his Friends thought might be beneficial to him. The Other side having had all Advantages of bringing their Witnesses together. The Prisoner suggested further, That if he fell under any prejudice for his *Religion*, it would look as if he suffer'd for *That*. Concluding with this Declaration, That he did believe it *Damnation to any one that should go about to kill the King, or deprive him of his Government*: and he recommended the rest to the Court, and to the Jury. And the Lord Chief Justice hereupon gave directions to the Jury, with his usual Candor and Gravity.

After Directions given, the Court reflected upon a Letter found amongst *Harcourts Papers*, which had been made use of in the Trials of the Day before; and was found *six or seven days* after Dr. Oates's Information of a *PLOT* to the Council. This Letter the Court order'd to be read, as a Paper that might give some light to the *General Designe*, and it was read accordingly.

Honoured, Dear Sir,

I have but time, &c.

A Letter descanted upon.

[ See the History of the Defence of Whitebread, &c. fol. 30. ]

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The

The Letter being read, Mr. Langborne offer'd, that Dr. Ontes might easily have explained it, being no other than such a Summons to this Meeting, as brought these over from St. Omers that attended it: and for the Defence, it was no more than the holding of a Congregation, like that of a Dean and Chapter in a College; and for the Caution of Secrecy, it was but reasonable, where the discovery was dangerous.

The Prisoner found Guilty, and Condemned.

The Jury was now sent out to advise upon their Verdict; and after a little time they brought in Mr. Langborne, Guilty: And then the Prisoners before Convicted were brought to the Barr, by the Direction of Mr. Recorder to receive Judgment; which was past upon them To be Drawn, Hang'd, and Quarter'd, according to the Common form.

Which Sentence was Executed upon the five Priests and Jesuits, on the 28th of June; and upon Mr. Langborne, on the 14th of July, 1679.

THE

# THE HISTORY OF THE Charge and Defence

Robert Green, Henry Berry, and Lawrence Hill, &c.

**T**HE Three Prisoners above-named having been Arraigned at the *Green, Berry and Hill* Kings-Bench Barr, on the Fifth of February 1678, for the Murder of Sir Edmond Bury Godfrey (the Grand Jury for the County of Middlesex having found the Indictment two days before) they were upon the tenth of the same Month brought again to the Barr, to receive their Trials; when his Majesties Council having open'd the Indictment, the Kings Witnesses were called; and Dr. Oates first Sworn, who gave Evidence.

That he applied himself to Sir Edmond B. Godfrey, September the sixth last past, with certain Informations, and having made Oath to the Truth thereof, he carried the Record back again; and, September the 28th repaired to Sir Edmond Godfrey with two or three perfect Copies, and Swore them also. This being done, the Witness gave Information thereof to the Council: After which Sir Edmond came unto the Witness (September the 30th, as he remembers) and told him what Ill-will he had got: some reproaching, and threatening him for doing so much; and others, for doing so little; and that the Parliament should be acquainted with it, being to meet on the One and twentieth of October ensuing.

The Witness also Swears, that about a week before Sir Edmond was wanting, he told the Witness that some Popish Lords menac'd him for meddling in the Business. That he had great apprehensions of mischief from the Papists Party; and he told the Witness how he had been watched for several days. The Witness asked him, why he went without a Servant? He had One, he said, but he was a pitiful weak Creature: the Witness then advising him to get him some smart Lad to wait upon him; but he gave little heed to it: telling him, that he did not fear any Man upon the square; but still he would be talking to the Witness of the danger that he was in; who gave him this Consolation, That if it should be his Lot to suffer, it would be in a Righteous Cause.

Thomas Robinson Esquire was Sworn; and deposed, that Sir Edmond and himself had been School-fellows at Westminster; and for above forty years of a continued Acquaintance (saying only in the late War) and Fellow-Commissioners for the Peace.

That



That having been together at *Westminster Quarter-Sessions*, October the 7th; upon the rising of the Court they went to dinner with the *Head Bailly*.

The Wit-  
nesses dis-  
course with  
Sr. Edmond-  
Bury Godfrey  
about the  
Plot.

They had a great deal of talk there concerning the Plot; That this Witness told Sir Edmond that it was said he had taken several Depositions about it. To which he made Answer, that he had done more in it, than he thought he should have Thanks for; and that he could have been well content if it had fallen into some other hand. This Witness telling him, That he had but done his duty; and desiring a sight of the *Examinations*, if he had them about him. But his Answer was, that a Great Person had them, and that when he got them again, the Witness should see them. They both agreed that they were not yet at the bottom of it; But upon my Conscience, (said Sir Edmond.) I believe that I shall be the first Martyr: adding, that no man should have his Life neither upon easie Terms. The Witness advising him to go with a Man, and he not liking it.

Mr. Prance was then Sworn:

Mr. Prance's  
Evidence.

Drawn in  
by Green,  
Girald, and  
Kelly.

Sir Edmond  
dogg'd into  
Red-Lion-  
fields.

They had  
sett him in  
St. Clements.

And pre-  
pare for the  
Murther.

A Quarrel  
pretended.

The man-  
ner of the  
Murther:

Who declared, that before Sir Edmond was murther'd, for a fortnight or three Weeks, there were several Meetings at the *Plow-Alehouse*, where was *Green*, *Girald* and *Kelly*; and that the two latter (who were Priests) drew the Witness in, perswading him that it was no sin, but rather a piece of Charity; for he was a busie Man, and would be very troublesome. These words passed at the *Plow*, and at the *Water-side*, some week or fortnight befor the Murther. Upon the meeting of *Green*, *Hill* and *Girald*, they came to a Resolution, that whoever saw him first should immediately give notice to the rest; that they might be ready for him. *Girald*, *Kelly* and *Green* said in the Witnesses hearing, that they had dogg'd him into the *Red-Lion Fields*, but had no opportunity to kill him There. On a Sunday-morning Mr. Kelly came to the Witness, and told him, that they were then Watching of him; and told the Witness afterwards, that either *Hill* or *Green* had been at his House to enquire for him; but the Servant telling him, Sir Edmond was not up, he left word that he would come again by and by: after this they waited their time, and then dogg'd him, as *Girald* and *Green* told this Witness; but whether it was *Green* or *Hill* that went, he could not say. And that Day *Girald*, *Green* and *Hill* dogg'd him from one place to another, and so into *St. Clements*. About Seven of the Clock *Green* told the Witness where Sir Edmond was; and he hasten'd away from his own House to *Somerfet-house* immediately, the Witness living in *Princes-street*, not far off. Where he was at *St. Clements* this VWitness cannot tell.

Towards Nine a Clock notice was given to *Hill* (who came before) that the VWitness was to be in readiness. Presently upon This *Hill* went away to the Gate, and as Sir Edmond was passing by, he desired him to try, if he could quiet two Fellows yonder that were quarrelling; which he was loath to do: but *Hill* pressing it, that the Authority of a Justice might make them Friends, Sir Edmond went along with him; and as he was at the bottom of the Railes *Green* got a Handkercher about his Neck, which he had twisted, and there pulled him over, and punched him, and choak'd him. *Girald* would have run him through with his Sword; but the rest were against it, for fear that it should be found out by the blood.

The

The Witness went to the Body a matter of a quarter of an hour after, and handling it perceived that he had life in him yet; for his Legs quivered; but then *Green* took him by the Neck and turned it quite round. The Witness does not say that he saw him do this, but *Green* made his brags of it, and the rest told the Witness of it too. The Witness was ordered by *Hill* to stand at the Water-gate, and *Berry* looked to the Stairs; they did all four tell the Witness of the twisting of his Neck, and they were about the body when the Witness went down. *Berry* was not there at first, but he came before they had him into the house, and helped to carry him up; and so did this Witness, with the rest. That is to say *Girald*, *Green*, *Hill*, *Kelly*, *Berry* and the Witness did all put their helping hands. He was carried into *Dr. Godwins* house, where *Hill* (that had been the Doctors man) had a Chamber, and he went before to get the door open, while the rest brought the body, the body was kept there till *Munday Night*; and then it was laid in *Somerfet-House* where this Witness saw it by *Hills* Dark-Lanthorn, they were all there, and upon *Tuesday Night* the body was removed again into *Hills* Lodgings, in a Court below there. What was thrown over him, this Witness does not know, *Hill* had a Dark-Lanthorn which was all the light there was; but the Witness was certain that it was *Sir Edmund Godfreys* body. It should have been laid in *Hills* Lodgings, but some body being there they conveyed it into a Room that was overagainst it (*Sir John Arundels* Lodgings as he thought.) About Nine, on *Wednesday Night* as they were carrying it into the Chamber where it was first, this Witness had the hap to come just at that time, which started them so, that they ran away; but upon the Witnesses speaking *Berry* returned, and the body was got up and so carried off about Midnight in a Sedan. It was *Hill* that brought the Sedan, and all the Company helped to get him into it. *Girald* and the Witness took him up first; *Berry* stood ready upon a *Hemm* to open the Gate, and so he was carried out at the *Upper Court Gate*, *Green* and *Kelly* went before, and they took him up in *Covent-Garden* to ease the other, In *Longacre* the Witness and his Companion took him up again, and carried him on as far as *Soho Church*.

*Hill* was ready there with a Horse, and there the body was set up astride and *Hill* rode behind it holding it up; *Green*, *Hill*, *Girald* and *Kelly*, went along with him, the Sedan being put into a new-built house till they returned.

The next morning *Hill*, *Kelly*, and *Girald* told the Witness that they had thrust his Sword through his body, cast him into a Ditch, and his Gloves and things were laid upon the Bank.

As to their meeting at *Bow*, it was at one *Casbes* the *Queens-Head*, there was one *Leueson*, *Vernat*, the Witness, Mr. *Girald* and one *Dethick*, that Mr. *Vernat* sent for by a Cobler; and he came immediately. There was a Barrel of Oysters for Dinner, and a Dish of Fish, that the Witness bought himself: and it was the *Friday* after the *Proclamation* for sending all *Papists* out of Town.

The pretence of this meeting (as Mr. *Vernat* told the Witness) was only to be merry.

While the Company was making merry, the Witness hearing something rustle at the door, he went and found a Drawer hearkning there; and told him he had a good mind to kick him down stairs, and so went away. The Witness says that *Hill* and *Berry* were in the business before the Conspirators at the *Berries* House; they met twice at the *Plow*, and the second time *Hill* was

was there. They said there was a great reward promised, but this Witness cannot tell what.

*Giralds Resolution to murder Sir Edmund.*

*Girald* had taken up a full resolution to destroy him that Night: and, rather than fail, he would have killed him in the Street; in the Lane that goes down to his House. *Mr. Prance* being questioned about *Mr. Bedlow*, declared that before the Witness was in Prison, he cannot remember that ever he was in *Mr. Bedlows* Company.

*Hill objected against Prances Testimony.*

*Mr. Hill* desired the Court that *Prances* Evidence might not be admitted against him, because he had denied all to the King, that he had before Confessed; and so was perjured; but he was answered, that his Confession was not upon Oath. *Hill* asked *Prance* what time it was he went to *Sir Edmond Godfreys*, who answered that it was *Nine or Ten a Clock*. *Hill* affirmed that he had not been abroad that day; and denied every syllable.

Then *Berry* askt *Prance* what people were in the house, when he said he was there, and bad him name any; and *Prance* told him that his Wife was there, and *Girald*, *Kelly* and the *Witness*. But *Berry* could not deny the knowing of *Prance*, no more could *Hill* nor *Green*. *Prance* could give no account from whence they *Hounded* him, when they murdered him; he was carried into the House some quarter of an hour after he was killed, being taken and by surprise strangled.

The reason of *Prances* flying off.

*Captain Richardson* was asked what he knew of *Prances* denying what he had confessed: who declared, that he was ordered, the night before the last Parliament was Prorogued, to carry *Prance* before the Committee of Lords, to be examined: How that he was in great disorder, and earnest to speak with His Majesty; and that being brought into *Kings Clofset*, he threw himself upon his knees and cryed, *He was Innocent*, and *they were all Innocent*, and he said as much to the Council, denying upon the question that any body had tampered with him. That so soon as ever he was in the Prison again he begged of *Captain Richardson* that for Gods sake he would go tell the King that all he had now said was false, and that true which he before made Oath of; and if he might have his Pardon, he would make a considerable Discovery. That he recanted purely out of fear, that he had lost all his Custom among the Catholicks, and though the King should Pardon him, they would go near to murder him. And *Captain Richardson* declared that after his Pardon he demeaned himself very quietly; and expressing a great detestation of the practices in the Church of *Rome*.

*Mr. Bedlow* Sworn,

*Mr. Bedlows Evidence.*

Who declared that *Le Faire*, *Pritchard*, and divers Priests besides had dealt with him for the killing of a person, without naming the man, and that he should have help and a good reward: and that this was in *October* or *September* last. After which *Le Faire*, *Pritchard*, and *Welch*, put him upon working himself into an Acquaintance with *Sir Edmond Godfrey*. That this Witness having introduced himself into a familiarity with *Sir Edmond*; infomuch that he had been at his house for about a week together day after day; they would have had the Witness have brought them into his Company too. That he made his Acquaintance by going to him for *Warrants* against people, and this Witness had been with him every day but *Saturday* the week before he was murdered. That upon *Friday*, the day before, the Witness sent his Boy to know if he were at home, with an intent to have gotten him over to the *Grey Hound Tavern*, where the Confederates then were, five *Jesuits*; but he was not at home, and so *Le Faire*, *Welch* and the *Witness*, went into the

He made an acquaintance with *Sir Edmond Godfrey*.



the City. That *Le Faire* having been next morning at the Witnesses Chamber, and missing him, they met by chance in the Afternoon in *Lincolns-Inn-Fields*; and so they went to the *Palsgraves Head Taverns* together; where, upon discourse, he told the Witness, there was a very considerable man, who was that night to be *put out of the way* (that was the expression) for he had gotten all the Informations of *Dr. Oates*, and *Dr. Tonge*; and if these Papers were not taken from him, there would be such Discoveries made as would endanger the whole design. The Witness could not get it from him, who he was; but there had been several Plots upon him, and none of them had hit: and that *Mr. Coleman* had orders to pay 4000 *l.* for the service. The Witness parted with him then, upon his promise to come to him at *Somerset-House* Cloyster that night: but the Witness knowing the business, failed him; and saw him not again till *Munday Night* in *Red Lion Court*, where he met him. He charged the Witness with not keeping his word, who told him that he fell into other Company; and besides that he could not ingage to kill any man without knowing, first, who it was. Well! (says he to the Witness) be you at Nine a *Le Faire* ap-Clock to Night at *Somerset-House*, and you shall hear more. The pointed Mr. Witness went punctually at his time, and they had a great deal of discourse together in the Cloyster: from thence he walked the Witness into the Court, and chid him for not assisting in that affair; but Their Dis-however, if you will lend us your hand now (said he) to get him off, course, you shall have two thousand pounds of the four. The Witness then asking if he were murdered; he answered *Yes*. The Witness then demanded if he might not see him; he told him that he might; and so he led him by the hand through a dark passage into the place where the body lay. There were several people in the Room; but how many, and who they were, he could not say. There was no light in it but a *Lanthorn*; and by that the Witness could discern the body. There was a *Cravat* about his Neck, drawn so streight, that the Witness could not get his Finger betwixt. They had some discourse then of getting him away; pretending him to be one that was related to a Person of Quallity. The Witness was very much surprised when he found who it was; and urged the dropping of him into the *Thames* with weights to sink him: but they rather chose to have it put upon himself, and to carry him out in a *Chair* and the Porter *Berry* should be ready at the Gate to let them out. They owned that they had strangled him and would have had the Witness to help them out with him. But he excused himself as being yet too early, and that it were better to stay till about Eleven or Twelve a Clock, promising to be with them again: But (says *Le Faire*) upon the Sacrament you took on Thursday you will be at the carrying him off to Night, which the Witness promised; and so they parted.

Mr. Bedlow brought to the body:

Mr. Bedlow advised the sinking of the body in the *Thames*. *Le Faire* charges him to help away with the body by the Sacrament he took on Thursday. Mr. Bedlow troubled in Conscience.

This lay heavy upon the Witnesses Conscience, who could not resolve to discover that which he had taken two Sacraments in a week to conceal. In this trouble of Thought, the Witness went to *Bristol*, where God put it into his heart that some murders were past, and greater to come; For the prevention whereof he was at last convinced of the duty of revealing this wickedness; and so made his application to the *King* and *Parliament* thereupon. Meeting *Prance* afterward in the *Lobby*; and there apprehending him. Mr. *Bedlow* declared also that he saw *Green* was about the Court, the night when the body was to be carryed away; and that he heard *Berry* was to open the Gate: but they finding that the Witness had again disap-

disappointed them, put it off that night for fear of further obstruction.

The Provi- Mr. *Bedlow* being called upon to say something to the business of  
dence of *Prance*, reported the matter, how that finding the croud to be great  
Mr. *Bedlows* in the Lords Lobby, and being desirous himself to be private, he  
discovering had the Guard clear the Room of all that had no business there;  
*Prance*. an order was given for all to quit but Mr. *Bedlow* and his *Friends*:  
when seeing a man lift up his Hat; to find out his way, and find-  
ing it to be *Prance*, the Witness charged his Guards with him; but  
he being then in custody, and the Constable telling him that he was  
his Prisoner, the Witness bad him have a care of him, and afterwards  
charged him before the House of Lords.

As to the Prisoners: *Hill* said that he never saw Mr. *Bedlow*; and  
*Berry*, that he never saw Mr. *Girald*.

The Constable The Constable was then sworn, about the finding Sir *Edmund God-*  
bles Evi- *frey's* body; whose Evidence was, that the body was found in a Ditch,  
dence about his Sword sticking in it, and two handfuls through his Back: neither  
the body of the Sword, nor the place where it lay, was bloody. He had a thrust  
Sir *Edmund* in another place, but striking upon a Rib, it passed no further: and  
*Godfrey*. there was no blood there neither. His breast was bruised, his Neck  
broken (as the Witness believed) his Gloves and Stick by him, upon  
the Bank; his servant said that it was his Masters Sword, and he had  
both Gold and Silver in his Pocket.

Evidence upon the view of his body. The Prisoners offered this Witness no questions. The *Surgeons* were  
then Sworn, that viewed the body and opened it. Mr. *Skillard* in-  
formed, that he viewed the body at Twelve a Clock the next day after  
it was found. That the Breast was bruised as with blows or stamping  
on it, his Neck distorted: two wounds, one fell on a Rib and the other  
past through his body: but he never dyed of those wounds, and nei-  
ther his Cloths nor his Waistcoat were pierced; his Neck was certainly  
broken; and probably he might be dead four or five days before these  
wounds were given: upon the opening of him it appeared that he be-  
gan to putrifie.

Mr. *Cambridge*, another *Chirurgion*, was Sworn, who deposed that  
he saw the body on the same day with Mr. *Skillard*; the Neck dis-  
placed, bruised upon the Breast, one wound on a Rib, and another  
that past through him under the left Pap, which wounds were un-  
doubtedly given him after he was dead.

*Eliz. Curtis* *Elizabeth Curtis* (Sir *Edmund Godfreys* Maid) Sworn and Examined;  
swears that Deposing that a matter of a Fortnight before her Masters death, the  
*Green* came Prisoner there, that they called *Green*) was at Sir *Edmund Godfreys*  
to her Ma- House in the Morning, to inquire for him, and first gave him the time  
sters house. of the day in *English*, and afterwards said something to him in *French*  
(*Green* denying that ever he saw Sir *Edmund Godfrey*) The Witness per-  
sisting in it, that he was with her Master about a quarter of an hour,  
and in a darker Periwig then that he wore in the Court; and that upon  
And that on *Sunday Morning* *Hill* was there: which *Hill* also denied; the Witness  
a *Saturday* particularly remembring that she was then doing something about the  
*morning* *Hill* Fire in the Parlour; that she gave her Master his breakfast there, *Hill* be-  
was there. ing with him, and then went up stairs, and missing her Keys, came down  
again, and found them upon the Parlour Table; and *Hill* was yet there,  
in the very Cloths he had on in the Gourt, about Nine or Ten a Clock:  
which agreed with *Prances* Evidence; *Hill* acknowledging, that he  
had not changed his Clothes, but objecting that she said in *Newgate*,  
she never saw him: and undertaking to prove, that he was else-  
where

where that morning, and about a month after she saw him in Newgate.

But there was another man, that brought a Note for Sir Edmond Godfrey, the night before; which her Master had; and she knows not what became of it. The man came on Friday night, with a Letter in his hand tyed up, and asked for her Master, the Witness telling him that he was at home, but Busie. So she took the Letter and gave it him, the man staying a while, and then desiring an Answer; the Witness telling her Master as much. *Prethee tell him (said he) I don't understand the meaning of it.*

Lancelot Stringer, being Sworn, declared; that he had seen Mr. Prance in Company with Mr. Green, Mr. Hill, Mr. Fitz Gerald, and Mr. Kelly, at the Plow, several times; and that he knew Verrat: Hill acknowledging as much; and that he knew Gerald: and Hill being charged with denying that he knew Kelly before; Hill excused it that he knew him by sight, as one that much used the Chappel. Stringer was a servant to Vincent the Master of the Plow; where he came to live at last Bartholomew.

Mr. Vincent was Sworn; who said that he knew Green, Hill, and Berry, and that they had been at his house with Prance; and likewise that he knew Gerald.

Richard Cary Sworn,

Who Deposed that he was sent for by three Gentlemen to the Queens Head. That he went up to them; and they examined him, if he knew Poplar, and one Mr. Dethick; and he told them that he thought he knew the Gentleman, but that he knew the place very well: So they gave him a Letter for George Dethick Esq; at Poplar; and charged him to be sure to give it to his own hand and not to any other body. The Witness carried the Letter, and delivered it to the Gentleman; telling him whence it came. So he lookt upon it; and bad the Witness tell them, that he would come to them presently: So the Witness returned and found the Gentleman there still that sent him. They gave him a Glass of Wine and paid him, and so he went away. Cary saying that Prance looked like one of the three, and Prance affirming Cary to be the man that was sent.

Evans, a Boy of the Queens Head, was Sworn; who deposed that some two or three months since, there was some Company at his Masters, that they read a paper there; and that Mr. Dethick came to them. That they had a Barrel of Oysters, and a Dish of Flounders to Dinner. That he heard them name Sir Edmond Godfrey; and that one of them found him at the door and threatned to kick him down Stairs.

Sir Robert Southwel Sworn; who deposed that attending the Council December the 24. Mr. Prance was examined about Sir Edmond Godfreys murther: and that his information having so many particulars in it, such a Bench, such a Corner, Room, Passage and Gallery; The Board not understanding it, the King directed the Duke of Monmouth, Lord of Ossory, and Mr. Vicechamberlain to the Queen, to repair to the place and there take Mr. Prances examination, and report it to the Board; and this Witness waiting upon the Lords; took the Examination, and drew

A Note brought the Night before.

Stringer proved their meeting at the Plow.

Caries Evidence upon the meeting at the Queens Head.

The Drawers Evidence of that Tavern.

Sir Robert Southwells report of Prances Examination.

A Relation of all the Circumstances delivered by Prance, and how the body was removed and it disposed of.



it up into a *Report*; which was signed by the two Honourable Lords, and read that Afternoon at the Board. Mr. *Prance* shewed the Lords the Bench they sat upon to wait Sir *Edmond Godfreys* coming; the Corner they lugged him unto, when they had killed him, the *Stairs* where *Berry* was to stay, a Little Door with a Stair Case at the Stables end; a long dark Entry with a door, and eight steps, that led to Dr. *Godwins* Lodgings; up two steps on the right hand, there was a kind of a Closet with a Bed in it, and Mr. *Prance* told the Lords, that, first, they got him thither, and left him in *Hills* charge for two nights; the Witnesses there present, and every thing agreeing with Mr. *Prances* relation to the Council; and to what he now delivered in Court; only that his Relation was now enlarged, and that the Lodgings which he took to be Sir *John Arundels*, were not capable of any person of Quality. Mr. *Prance* went thus far ready and directly; but coming to examine the place whither they had carried the body, he said it was somewhere by the Garden. There is a long dark Entry that opens into the Outer Court; he past through that, and then over the Quadrangle to the Piazza; and then went down a pair of Stairs, saying *Thus far we are right I am sure*, There is a large square Court below; and there he began to doubt; but yet went on, and so past into divers Rooms on the other side of the Court; and then up Stairs again, and into other Rooms; but still at a loss in what Room it was that he saw the body: only certain that he had been in that place; the Witnesses still referring himself to his Report. Sir *Robert Southwel* now produced the Minutes he had taken upon these mens Examinations wherein it appeared, that *Hill* was Examined, that he confest he knew *Girald*, but not *Kelly*; *Hill* then interposing, that he knew one *Girald* who was not a Priest, and that he did not know *Girald* the Priest.

*Berries* pretended Orders not to admit any body.

It was charged upon *Berry*, the saying that he had Orders not to admit any Strangers or persons of Condition into *Somerset-House* for two or three days; and that the P. coming thither, was not suffered to enter; and that he never had any such Orders before. To which *Berry* replied that the P. might have entred if he had pleased; that it had been proved (as was acknowledged by the Court) that five or six had gone in before. That he had an order only for two days, as he remembered, and that he had had such Orders formerly. But there being no such Orders produced, the Court reflected upon the pretence as the best Artifice they could invent to keep the design private.

The Witnesses for the Prisoners.

*Mary Tilden* gave Evidence for *Hills* good behaviour.

The Prisoners were now called upon to speak for themselves, and produce their Witnesses: *Hill* calling upon God to bear him Witness that he was perfectly innocent.

*Mary Tilden* informed that *Hill* had lived seven or eight years with her Uncle Dr. *Godwin*; and that he seemed to be always a trusty servant, kept good hours, and lookt to their house in her Uncles Absence; and was always within by Eight at Night, ever since last April when they came last into England. That the Witness was in the house when Sir *Edmond Godfrey* was killed: That she heard of the murther in the Town on the *Wednesday*; that she herself was never out after Eight a Clock, nor *Hill* neither: for he waited at the Table; and that constantly the Maid barred the door upon his coming in, so that he went out no more that Night: That he was at home the *Saturday Night* when Sir *Edmond* was murdered, and the next Night, and every Night so long as the Witness was in Town; and that she herself was at home the *Wednesday Night* beforementioned. That she was the more positive because they kept constant Supper time, and the doors never opened

opened after ; besides that the Lodgings lay so, that no body could go in or out without being taken notice of, that the Maid kept the Key of the House and not *Hill*. Mr. *Prance* then informed the Court that Mrs. *Broadstreet* would own but one Key at first, but before the Duke of *Monmouth*, she acknowledged six or seven, to which Mrs. *Tilden* answered that there was onely one Key which secur'd that door. The Witness being askt when she was out of Town ; answered in *October* ; but being told that this happened in *October*, her answer was that she mistook the month. Mrs. *Broadstreet* being askt what time, answered in *September*, and then Mrs. *Tilden* recollecting herself, said in *September* too, and that while she was in Town there was not a day but she went into the Little Room, mentioned by *Prance*, upon some occasion or other ; Mrs. *Broadstreet* said they came to Town the *Monday* before *Michaelmas*, affirmed the good hours they kept, and that nothing could be brought in, but they in the House must know of it. Sir *Robert Southwel* then described the place, that it was very little, and over-against the Dining Room ; and that it was a small square Room, where the body was laid, at the Stairs head. Mrs. *Broadstreet* adding that the Key was never out of the Door ; and people constantly going into that Room. Mr. *Prance* informed that Mrs. *Broadstreet* told the Duke of *Monmouth* that *Hill* had left his Lodgings before that time. And Sir *Robert Southwel* said that there had been some dispute about it ; *Prance* would have it to be a fortnight after, and *Hill* affirming that he was dealing with his Land-Lord the very *Saturday* that Sir *Edmond Godfrey* was wanting. And that from that time, it was a week or a fortnight before he removed. But it was urged that *Hill* pretended that he was gone before. Mrs. *Broadstreet* averring that *Hill* left the Lodgings a fortnight after *Michaelmas*. Sir *Robert Southwel* informing that the said *Hill* went away only three or four days after. Mrs. *Tilden* said further, that the place was so streight, that upon an occasion of Visits the Footmen always waited in that Room.

Mrs. Broadstreet seconds the former Evidence.

*Katharine Lee* did then inform that she lookt to see the Doors Locked every night ; and the Parlour safe, and that she never mist him ; and that every morning, before she went to Market, she went into the Chamber, or called every day at the Door, and that she always went to bed last. Being asked if *Hill* might not slip out, and she never know of it ; her answer was that she did not always watch him. But Captain *Richardson* informed the Court that the servants keeping below Stairs in the Kitchen, and there being so many Keys, people might go in and out and they never the wiser.

Katharine Lees Evidence, the servant of Mrs. Tilden.

*Daniel Grey* was called and informed that he was with his Brother *Hill*, from *October* the eighteenth to the two and twentieth or three and twentieth : that at Nine or Ten at Night they used to go to Bed, but he did not see him, when he went to Bed. That the Witness lay at his own House, that *Hill* agreed for his House *October* the eighth, but it was about the twenty first, that he went thither ; and that they lived a matter of a Bow-shot a sunder.

Daniel Grey gives Evidence for his Brother Hill.

*Robert How* informed, that *October* the fifth Mr. *Hill* desired him to view a House that he was a taking, to see how it was in repair, and that they went and treated with the Land-Lord ; appointing *Tuesday* morning, being the eighth, to meet again. That the Witness wrought there every day, from *Wednesday*, Twelve days and a half : and that Mr. *Hill* was there every day. That on *Saturday* the twelfth Dining together, they parted about One or Two a Clock ; Mr. *Hill* (as he says) toward *Covent-Garden*, and this Wit-

Robert How gives an account how Hill disposed of himself.

ness to his Work: This Witness told him that Mr. Hill had been there again about Four a Clock, but the Witness was gone first: Where he was that Night the Witness could not say; but that he saw Mr. Hill about Nine or Ten in the morning, and that he staid till Two.

Mr. Cutler  
and Mr.  
Lasingby to  
the same ef-  
fect.

Mr. Cutler informed that Hill was with him at his House from Four or Five in the Evening till Seven or Eight: when his Wife called him to Supper, and the Witness never saw him from that time till the day after he was taken.

Richard Lasingby informed, that on Saturday, October the Twelfth about Noon, he was with Mr. Hill at the door; that he Dined with him, and How, and that upon Wednesday Night he saw him from Five to Seven and not after.

Archibald  
seemed glad  
for Prances  
Discovery.

Archibald was Examined, and informed, that upon Munday Night having occasion for one Grey, a Taylor, he found him at Hills House: for Prances and Grey asking what News, the Witness answered him very good, for Prance was seized for killing Sir Edmond Godfrey. To which Hill replied that he was very glad of it, and wished them all taken; and the next morning the Witness heard that he was taken out of his Bed. Why then, said Hill, if I had been guilty I could have made my escape.

Greens Wife  
called her  
Witnesses.

James Warrier informed that October 12. Green was at his House from betwixt Seven and Eight till after Ten, it was upon a Saturday, and he remembred it exactly by his Work. That he bethought himself of this about a month after the murther; and that Greens being taken up made him reflect upon it. It was but Fourteen days that he had been in the Witnesses House before he was seized, he was not seized there neither. It was objected that he was not charged with the death of Sir Edmond Godfrey till December 24. but only for refusing the Oaths: So that that could not put him in mind of Sir Edmond Godfreys business.

Mr. Warrier  
and his  
Wife gave  
Evidence  
where Mr.  
Green was.

Mrs. Warrier informed that upon the day that Sir Edmond Godfrey was missing, Mr. Green sat in the Witness Quarter, till Nine a Clock, and then went up to his Chamber, the Witness and her Husband with him, and there staid the beating of the Tattoo and that this was the Saturday fortnight after Michaelmas.

Mr. Ravenscroft  
testifies  
his know-  
ledg of Hill.

Mr. Ravenscroft informed, that Hill had served his Elder Brother for Thirteen or Fourteen years very faithfully: and that at last he married a Maid-servant in the Family. That hearing of one that was seized about the murther of Sir Edmond Godfrey, the Witness was well pleased to hear it; that passing from his Fathers House in Holborn homeward toward the Savoy, he saw Hill's Wife at her own door, and she told the Witness that some body had been there that said Prance had discovered divers of Sir Edmond Godfreys murtherers; who askt her if her Husband knew any thing of it. They used to be much together (she said) and perhaps that made them talk; but for her Husband he defied Prance and all his Works, telling the Witness likewise that he was then in the House, which made the Witness hope he was innocent, because he did not fly. The Witness declaring such a detestation of the Fact, that rather than he should escape if he were guilty, he would be the Executioner himself.



Corporal Collett Informed, That upon Wednesday, October the 16th, he placed one *Nicholas Trollop* Sentinel at the Strand-Ward, within the Wicket; he was upon Duty from Seven to Ten, and then was relieved by *Nich. Wright*; who staid till One. The Sentinels being placed by the Porters order; not *Berry*, but One that used to carry Orders.

Corporal Collet and the Sentinels Examined about the Chair.

*Trollop* Informed, That while he was upon his Post, a Sedan was brought in and set within the Gate; he took it to be empty, but had no order to refuse any Body's entrance: *Collett* declaring, that there stands a Sedan empty every night; and *Trollop* affirming, that there went none out in his time, for he was never half a Pikes length from his place; that he did not drink one drop; and that he remembered every thing particularly, for he had been already twice before the Committee. *Wright* also said there passed none in his time; and *Trollop* testifying, that it was brought in when he was upon Duty, but not carried out again.

*Gabriel Huskes* Informed, That he was on from One to Four, October the 16th; that he neither drank at *Berries*, nor saw him.

Then *Eliz. Minshaw* Informed, That Mr. *Berry* (her Master) October the 16th was the whole Forenoon about the Gates; and after that, as he said himself, went to *Bowls*. It was duskish when he came home; he went to Bed about 12, and was not one hour absent. That this Witness went about Twelve to Bed also, and saw him no more that night: so that she concludes he was in Bed, because the passage to his Chamber was through hers. It was then demanded of *Prance*, what made him deny what he had said? who Answered, that he was afraid of losing his Trade, and that he had not as then his Pardon. Mr. *Prance* was then asked at the Instance of Mrs. *Hill*, if he had not been tortured to make him say this; for it was the talk of the Town, and he was heard to cry out? who declared himself, that Capt. *Richardson* had used him very kindly, and let him want nothing. Upon *Prances* denial of this, Mrs. *Hill* exclaimed, that the Witnesses were not duly Examined; and so called Mr. *Chevins*, who could say only this, That he had heard Mr. *Prance* deny all.

The Kings Council having heard the Prisoners and their Witnesses, The Prisoners summ'd up the Evidence: And the Lord Chief Justice gave directions to the Jury; who brought them All in Guilty, and they receiv'd Sentence, the day following, to be severally hang'd by the Neck till they were dead. And upon the One and twentieth of the same Month they were accordingly Executed.

The Prisoners found Guilty of Murder.

# THE HISTORY OF THE Charge and Defence

OF  
S<sup>r</sup> George Wakeman, William Rumly,  
William Marshal, and James Corker.

The Cause  
of Indict-  
ment.

ON the Eighteenth of July 1679, Sir George Wakeman, William Rumly, William Marshall, and James Corker, were brought to their Trials at the Sessions-house in the Old-Baily, upon an Indictment for Conspiring the Death of the King, and the Subversion of the Government, and the Protestant Religion. But James Corker was first brought to the Barr, having been arraigned the former Sessions. The Jury being Sworn, and Admitted without Exception, the Kings Council (as is usual) opened the Indictment, and Mr. Dugdale was first produced and Sworn. And first as to the Plot in general,

Mr. Dugdale  
drawn into  
the Plot.

Mr. Dugdale deposed, That he had some inkling of the Plot Seven years ago, but that Ewers, Gavan, Peters, Leueson, &c. had more particularly acquainted him with it, about two years since, and drew him into the Design upon the Government and Religion, and upon killing the King, and the Duke of Monmouth. That all Harcourts Letters were directed to the VVitness, Eight or Nine at a time; and almost all of them were concerning the Plot.

The scope  
of Harcourts  
Letters.

The scope of the Letters were to Instruct Ewers how to proceed towards the getting of Money, and engaging the Gentlemen of the Country, to serve as Officers in the Army, which was to be raised upon the death of the King. That he saw Receipts from St. Omers of Money paid to that end. That he received a Letter directed to himself, which came from Harcourt; but who wrote it he could not say, or if it had any date or no; only he supposes that it came from beyond-Sea to London, and so to him. It gave Caution to say nothing of Arms, till the King was dead. He deposed a Correspondency thrice a week betwixt the Conspirators in London and the Staffordshire Agents: and in a Letter from Whitebread, Ewers was charged to choose stout and hardy men, with this expression in the Letter, *To kill the King*; which Letter was sent by the Common Post, and superscribed to Mr. Dugdale, who vvas Sworn to Secrecy by Mr. Ewers at least ten times. And the Witness took the Sacrament upon it.

Bold Let-  
ters sent by  
the Common  
Post.

He

He deposeth also, That *Garvan, Laneson, Ewers,* and my Lord *Stafford*, would have had the Witness destroy the King by Shooting, Dag-<sup>signs upon</sup>ger, or the like; not so as to do it directly himself, but to come to the King. *London* for directions how to do it; where *Mr. Ireland* was to have him in his Care; and that he was to have come in *October* last, the Resolution being taken the *July* before. This VVitness also deposed, That the *Lord Stafford* promised him *Five hundred pounds* in hand upon his coming to *London*, in *October*, for an Incouragement; but that a more considerable Reward was to follow, and that he should have come to *London*, if it had not been discovered.

He deposeth further, That he found *Ewers* reading a Letter from The Letter *London*, with these words in it, *This very night Sir Edmond-Bury* about Sir *Godfrey is dispatch'd*, and that it was dated the very Night that he was *Edm. God-*killed; *Ewers* shewing the Prisoner the Letter, and telling him also, *frey*. that *Sir Edmond-Bury Godfry* was grown too Inquisitive into the Plot, and it would be well to take him off. Deposing also, that *Mr. Ewers* shew'd the Prisoner the Letter to comfort him, that one Enemy was gone; and the VVitness reporting it again to the Minister of the place.

He deposeth further, That the Protestants were to be destroyed; and that they had great confidence in the VVitness: he having given them *Four hundred pounds*, and promised another Hundred to pray for his Soul; and Land made over to *Mr. Girald* to raise the Money upon the Sale.

*Mr. Corker* demanded, from whom the dangerous Letter before mentioned came? and the VVitness not presently recollecting it, the Prisoner appealed to the Court, upon the Improbability of sending such a Letter by the Common Post, and yet no appearance either to whom, or from whom it came. But *Mr. Dugdale* rendred an Account of other Letters; one from *Paris* to *St. Omers*, and thence to *London*, and so to *Tixall*; where it was read in the presence of the Prisoner, by the Lord *Asfon* and *Mr. Ewers*: It was subscribed *J. W.* and thought to be from *Sir John Warner*; that it was dated from *Paris*, whence they advised the casting of it on the Presbyterians, after the Death of the King, which would make the Church of England men fall in with the Papists, to destroy the Party. This was the *Paris* Letter; and the *London* Letter approv'd the Advice with several Lords hands to them, in allowance of the design of killing the KING; and raising an Army.

The Prisoner asked, if it were dated from *St. Omers*? and *Mr. Dugdale* reply'd, that in the Pacquet from *St. Omers* there were three Letters, *Paris, St. Omers, and London*, one from each; and all in one Cover, being cover'd in Groves Pacquet: The Witness averring, that he himself was to be of the party that should kill the King, in *October*. The Prisoner here made a reflection, that *Dr. Oates* mentioned only Three designs to kill the King, by *Grove and Pickering*; by the *Russians*, and by *Poyson*: and that now a fourth was found out in *October*; when the Design was charged upon *July*, or *August*? But it was reply'd upon him, That there might be more Plots than *Docter Oates* knew of.

*Mr. Marshall* offer'd, That the Witnesses Testimony was suspicious, even from the multitude of Persons employed and intrusted; and nothing done upon it, where yet a few might have done the business. The Prisoners were here ordered to wait their time without interposing, that the

*Mr. Dugdale* gives 400 l. to pray for his Soul.

*Corkers* Objection against that Letter. *Mr. Dugdale's* Answer.

*Corkers* Objections to the story.



the Kings Evidence might be first heard : whereupon the Prisoners desired Pen, Ink, and Paper, which was granted them ; and so the Court proceeded. It was much wondred that any Body should write by the *Common Post* about killing the King. To which Mr. *Dugdale* Answered, That in case of Discovery it was to be cast upon him, and that he was under an *Oath* to deny it : Affirming, that the very words were for the killing of the King ; without any Superscription to *Ewers*, or Name to the Letters. The Prisoners joynd in admiration, at the folly and madness of any man in putting such words in a Letter.

Why by the  
Common  
Post.

The Black  
Cross upon  
Whitbread's  
Letter.

Mr. *Dugdale* proceeded, That *Whitbread's* Letter was directed to himself, and that it came in Company with others : that there was a *black Cross* upon what he was to deliver to *Ewers* ; and that he was to disperse them where they were to go. But being ask'd by what mark he should know whither to send them ? The Witness answered, that Mr. *Ewers* knew their hands, and what every thing meant, and for whom it was. To the Question of *how many Letters* ? the Witness answered, that in two years he believed he had a Hundred, and Mr. *Rumley* asking him from how many persons ? and wondering that he had none of them to produce ; Mr. *Dugdale* answered, That there were a great many from Sir *John Warner*, and that so long as he intended to go on with the *Plot*, he burnt them all ; but that he had spoken what he could remember. He deny'd the seeing of any *Commissions*, but affirmed that he spake with some that were to be *Officers*.

Fifty thousand  
Men  
to be arm'd.

Mr. *Prance* depofed, that some three weeks before *Michaelmas*, he heard *Fenwick* and *Grove* at Mr. *Ireland's* Chamber talking of raising 50000 Men, and settling *Popery* : Mr. *Fenwick* saying, that it would be easily done, and encouraging the Prisoner (being a *Silver-smith*) with the hope of work enough, about *Crucesfixes*, *Candlesticks*, &c. naming the *Lords* that were to Command the Army : And after that he was told of *Commissions* given out. He depofed further, That my Lord *Arundels* *Butler* told him, that one *Messenger* was to murder the King, and this Witness meeting Mr. *Messenger*, and asking him the Question, he was surpris'd at it, and said to this Witness, *Pray keep Counsel, for we are off of that now.*

Mr. Jenni-  
son's Evi-  
dence a-  
gainst Ire-  
land.

Mr. *Jennison* depofed, That in *June* (78) upon a discourse with Mr. *Ireland* in *Russell-street* about Religion (his Sister Mrs. *Anne Ireland* being by) Mr. *Ireland* spake as if the *Romish* Religion would be quickly settled in *England*, for there was but One stood in the way ; and the King might be easily poyson'd. Whereupon this Witness speaking of it as a horrid thing, Mrs. *Ireland* asked her Brother why he talkt at that rate ? and he qualified the matter as a thing which he thought should not be done : And then the Witness minding him of the *Gunpowder Treason*, he said, it was only a trick of *Cecils*. The Witness being at that time a *Roman Catholick*, but since Converted.

Mr. Ireland  
positively  
Here, Aug.  
19.

The VVitness depofeth further, That he saw Mr. *Ireland* positively on the 19th day of *August*, being then newly returned from *Windsor*, as he remembers punctually, upon very particular Circumstances. The Court looking upon this Evidence as a most eminent Confutation of what *Ireland* affirmed at his death : which was, that betwixt the third of *August*, and toward the middle of *September*, he was never in Town, but all that time in *Stafford-shire*. Mr. *Jennison* then proceeding, That upon the 19th aforesaid, he saw Mr. *Ireland* draw off his Boots at his own Chamber, upon the Frame of a Table, as the Witness remembers, being come post (as he said) out of *Stafford-shire* betimes that Morning. That the VVitness telling him (upon his question where he had been, and

and what news?) that he had been at *Windsor*, and that the King was early up in a Morning, went a *Fishing and Hawking*: the VVitnells telling him, of his own accord, that his Majesty had but very little Company with him. Mr. *Ireland* reflected upon the Kings going so thinly guarded, saying, that he *might be easily taken off*. The Witness replying, *God forbid*: and then Mr. *Ireland* smoothing it over, this Witness thought no more on it, till the Plot was discover'd; and then he told his *Father and his Sisters* this discourse, saying, that it was very suspicious. This VVitnells was very sure it was the 19th, and knew Mr. *Ireland* very well, having been acquainted with him a year and an half: And he went out of Town *September* the 4th into the North. Mr. *Corker* asking the VVitnells, when he turned *Protestant*? and objecting, that he did not for sake his Religion till he found it might be for his advantage.

The King easily taken off.

Mr. *Bowes* was then Sworn; who declared, that he saw Mr. *Jennison* in *Tunbridge* about the beginning or middle of *August*: That he went then from *Tunbridge*. That the VVitnells went to *Windsor*, *August* the 12th or 13th; and that Mr. *Jennison* came to *Windsor* when the Witness was out of Town.

Mr. *Burnett* deposes, That about the middle of *August*, (the very day of *Dachett-Horse-Race*) he met Mr. *Jennison* on his way to *Windsor*. The Court declaring this to be a point, that did not concern the Prisoners; but to shew the falsity of *Ireland's* affirmation.

Dr. *Oates* then made Oath, That Mr. *Ashby* coming sick to Town in *July*, Sir *George Wakeman* prescribed him a course, how he should govern himself both before he went to *Bath*, and There. That he should take a pint of Milk morning and evening, and drink nothing else in the Morning; and at the *Bath* to have a hundred strokes at the Pump: Sir *George* telling him in this Letter who would help him to poyson the King. Some two days after, the VVitnells saw Sr. *George* lay by his Pen, and leave the Paper upon the Table with the Ink wet upon it, which was an *Apothecaries Bill*, (as he supposed) and the same Character with the Letter to Mr. *Ashby*: and the VVitnells swears, that as Sir *George* wrote; Mr. *Ashby* discours'd to him of a Commission received for *Physitian* to the Army; which the Witness saw at Mr. *Ashby's* in Sr. *George's* hand. He deposed further, That he heard One promise to help Sir *George* in the promoting the *Catholick Cause*, and in the poysoning of the King; and that he heard *Ashby*, in the *Provincials* Name, offer 10000 l. to Sir *George* for his reward. This was in *July*: *Harcourt, Fenwick, Ireland* and the Witness present.

Dr. Oates's Evidence against Sr. G. Wakeman.

He deposes, that Sir *George* said, That it was not enough for poysoning the King, and so refused it; and that the Fathers met on purpose to deal with Sir *George* about it, before Mr. *Ashby* went to the *Bath*, and that upon Sr. *George's* Refusal, they acquainted Mr. *Whitebread* with it; who presently gave the *London-Fathers* Commission to offer 5000 l. more; which, as this VVitnells is informed, was accepted, and 5000 l. of it paid down: The VVitnells having seen Sir *Georges* Name subscribed to the *Entry-Book*; wherein was specified such a proposal to Sr. *George*, with his Acceptance of 5000 l. and Receipt in part of 15000 l. the Receipt from *Harcourt* by *Colemans* Order; and the *Goldsmith*, as this VVitnells remembers was *Stayly*, Sir *Georges* hand to the Receipt, with a *Memorandum* of the day (in *August*) when it was propounded, and accepted. The *Entry-Book* it self being in the *Fathers* custody, at *Wild-house*; but who kept it this VVitnells could not say; only that Mr. *Langborne* had it sometimes, and that the Acceptance and Receipt were entred the same day.

Concerning the 15000 l.



Sr. G. Wake-  
mans Letter.

The Doctor  
charg'd  
with a Con-  
tradiction.

Doz'd with  
setting up.

Sir G. Wake-  
man not  
committed  
by the Coun-  
cil.

Dr. Oates  
against  
Corker.

Corker's Let-  
ter out of  
Germany.

Privy to the  
April Consult.

Dr. Oates saith not that he ever saw Sr. George write, but that he saw him lay aside a Pen, and a Paper newly written, and no body by that could write it but himself. And Sr. George charging him with declaring, that he did not know the Prisoners hand; the Doctor affirmed, that a Letter that he saw signed G. Wakeman, was the same hand-writing with that of the Receipt, and the Physick-Bill. Sir George demanded a positive Answer, If the VVitnefs had not deny'd the knowledge of his Hand, and the knowledge also of his very Person, before his Majesty and Council? To which Dr. Oates made Answer, That he was so doz'd with sitting up, and his Intellectuals so disordered for want of sleep, that perhaps he might speak short before the Council; but now that he had light to see Sr. George's face, he could say more to him. The Doctor affirming the Prisoner to be the same Gentleman, and desiring that what he had to ask might be put to the Court; the Doctor not calling to mind whether he said he knew Sir George, or not: but affirming this to be the person that was called Sir George Wakeman, but not able to say that it was the person that attended the Council, when the VVitnefs was there. The Doctor deposing likewise, that he saw Sir George two several days at Mr. Ashbys Chamber; and that he never saw him before, and but once after, which was at Wild-house when the 10000 l. was offer'd; where Mr. Ashby lay in July, before he went to the Bath, which was about the end of July, or beginning of August; his stay in Town being about fourteen or sixteen days.

The Prisoner asking the VVitnefs then, if he knew all this when he was before the Council, why he said there that he knew nothing of the Prisoner, but about one Letter from Ashby to Fenwick? And objecting, That if this Evidence had been given there, he must doubtless have been Committed; but the Prisoner was directed, to reserve what he had to say till his proper time; and the Doctor referred his Answer also to its proper place.

Touching Mr. Corker, Dr. Oates deposed him to be a Benedictine Monk, privy to the 6000 l. raised for This designe: And that in August last he sent his Consent out of Germany, to the proposall of raising it; being President of the Benedictines. That he gave the English Monks in Paris, and La Chaise, an Account how Matters went forward in England, and that he had a Patent to be Bishop of London; which the VVitnefs saw in his own hands.

That this Letter out of Germany he had seen, and that it was address'd either to Hitchcott, or another Father in London.

The Witnefs deposing moreover, That as he remembers, Mr. Corker went over in July to Lamspring in Germany, but that in June he saw him with Mr. Fenwick, and that upon discourse about some body that was behind in his Pension, Mr. Corker gave Mr. Fenwick an Order for some 20 or 25 l. to be received of Mr. Langborne; the Order subscribed James Corker: the VVitnefs first seeing this Order. And another time, his Name to an Examination, which agreed with his Letter from Germany. Deposing further, that the Prisoner dispos'd of several parcels of Money, as he said, for the advancing of the Design.

That the Prisoner was also privy to the Consultation of April, and excepted against the Choice of Pickering to kill the King, because while he was attending at High Mass, an opportunity might be lost. That this Exception was at the Convent in the Savoy, to the VVitnefs himself, and at the same time, when he gave Fenwick his Order for Money: The 6000 l. was to be advanced upon the Benedictines Estates; and the Witnefs believed it was paid, for the Fathers acknowledged the Receipt of it,



it, and that though Mr. *Corker* was against Mr. *Pickerings* doing of it, he did yet approve of the thing it self.

Dr. *Oates* charged Mr. *Marshall* also with being present when the *Mr. Marshall* 6000 *l.* was resolv'd upon, and with *Pickerings* design upon the King, charged. making the same Exception against him with *Corker*; but he could not say positively that Mr. *Marshall* was at the Consult.

Dr. *Oates* deposed, That Mr. *Rumley* knew of the Consult for the 6000 *l.* being either a *Benedictine Monk*, or a *Lay-Brother*: believing that he consented to it, because he prayed for the success; and that this was in *August*.

The Prisoners being now allowed to make their Objections, Mr. *Corker* The Prisoners De- inform'd the Court, That *Lamspring* was not in *Germany* (as the VVitness said) but in *Westphalia*; and urg'd an Inconsistence of that story, fence. and his seeing *La Chaise*. To which Dr. *Oates* reply'd, that it was usual with them to say they would go to one place, when they went to another.

Dr. *Oates* call'd one thing more to mind; that *Conyers* laying a wager Dr. *Oates* with another Gentleman, that the King should eat no more *Christmas* knowledge Pyes; Mr. *Marshall* went half with Mr. *Conyers* that he should not. of Mr. *Mar-*

Mr. *Marshall* ask'd, how long the VVitness had known him, and *shal.* where he had ever been with him? Dr. *Oates* answering, that he had seen him often at the *Altar*, but had no acquaintance with him: That he had known him off and on two years, but never heard him speak till the time of the wager; but had only a knowledge of him by sight. Mr. *Marshall*, seeming to admire that the VVitness taking him to be in the Plot, should never converse with him. Mr. *Marshall* demanded the Time, and the Place of the Consult? which the Doctor told him was in *August*, and either the day before or after the Feast of the *Assumption*; and the Place the *Savoy*.

The VVitness charged the Prisoner also with another Consult in *Aug.* Several Con- (of the 21; the former being the 15th:) at which time came Letters *Julis* charg'd from *Talbot* of the State of *Ireland*. It was dated from *Dublin*; but it upon the was not tax'd at the *Post-Office* as an *Irish Letter*. He also deposed, That Prisoner. there were some *Benedictines* and *Jesuites*, and Mr. *Marshall* in the Company; who agreed, at the same time, about sending Commissions for the Army-Officers: The Letter was read at the *Convent*, and the Commissions order'd for *Ireland*; and the poysoning of the *Duke of Ormond* was also agreed upon.

Dr. *Oates* was ask'd the time of *Pickerings* being taken; and if he Questions himself was present? who Answer'd, that he was taken upon *Michael-* to the Do- *maß Eve*, or *Morning*, and that he the Witness was there. It was de- ctor about *Pickering*. demanded of Dr. *Oates*, what Consults he was at? who Answer'd, that And the Consults. there were two Consults of the 15th and 21 of *Aug.* but that the Wit- nesses was not at the Consult for the 5000 *l.* to Sir *George Wakeman*.

Mr. *Bedloe* deposed, That about the beginning of *August* last, he, the Sr. G. Wake- Witness, was at Mr. *Harcourt's* Chamber, and Sir *George Wakeman* came man's Bill thither after, much out of humor; and asked Mr. *Harcourt*, if he had for 2000 *l.* not something for him? Whereupon Mr. *Harcourt* demanding of him, how he went on? Sir *George* answer'd him short, that that he did not know whether he should go on or no; for he did not love to be trifled with in such a business? Stay Sir *George* (says Mr. *Harcourt*) things are better than you imagine; and so took some Papers out of his Cabinet, and a small Bill, asking Sir *George* what readiness he was in; for (says he) we have been ready a good while. Sr. *George* asking *Harcourt* what that Bill was? he said it was a Bill of 2000 *l.* from a Person whom this VVitness has

has forgot, and drawn upon a *Goldsmith* (as he believed) somewhere near *Temple-Barr*. That *Sir George* reading it, and discourfing upon it, enquired of *Mr. Harcourt*, who this VVitness was? *Mr. Harcourt* telling him, that it was a Friend had been long in the Plot, and was to have a very great part in it himself. *Sir George* then telling him (as this VVitness depofes) that if the Bill were accepted, he should hear from him fuddenly; and fo he went his way: This VVitness going prefently after him; and meeting *Sr. George Wakeman* again, betwixt the *Queens-head* and *Chancery-lane*; from whence the VVitness concluded it to be near *Temple-barr*, (*Mr. Harcourts* Lodgings being but in *Duke-street*.) *Sir George* told the VVitness, That the Bill was accepted, and that Afternoon the Money should be paid. This Deponent affirming, that he had known *Sr. Geo.* a matter of 5 years, though not much acquainted with him.

Two thou-  
sand pounds  
for the pre-  
fent, in part  
of more.

upon 3<sup>r</sup>  
of his work  
by him

Letters and  
Discourfes  
about the  
Plot.

How Mr.  
Bedloe knew  
Mr. Marshall

Little a-  
gainst Rum-  
ly.

Questions  
about Sr. G.  
Wakemans  
Bill.

Sir G. Wake-  
man's Ob-  
jection.

He depofeth further, That upon asking whether or no This was in part of the 15000 l. *Mr. Harcourt* made Answer, that it was only for the prefent; the other being not fettled as yet: But the VVitness affirms, that fhortly after it was made 5000 l. and that *Mr. Harcourt* told the Deponent, that it was all upon the fame account: And if *Windfor* and *Thb* should both fail, the work would be done at *New-Market*. A

*Mr. Bedloe* depofed, That he had been once in Company with *Mr. Corker*, *Keines*, and *Le Fevre*, at *Somerfet-houfe*; and that he did not hear any thing from *Mr. Corker*, that pointed directly at the Murther of the King; but that he heard *Corker* and *Le Fevre* talking in general about the Plot, and Letters of Intelligence; and talking of raifing an Army, and who were fent to agitate in the Country; what Interests they had made, and the like. And this was about July was *Twelvemonth*.

*Mr. Bedloe* moreover depofeth, That he knew *Mr. Marshall*, when he faw him in the *Gate-houfe*; and that he had been in his Company in *Latham's* Chamber feveral times; that he carried feveral Letters to the *Catholick Party* that were in this Design; which Letters this Witnefs brought over from beyond-Seas; and more particularly one to *Sr. Fra: Ratcliffe*. That all the Letters this Witnefs brought to the *Fathers*, fpake to the point of *Subverting the Government*, and *Religion of England*. that *Mr. Marshall* was of the Club, that faw the Letters, and examin'd the Answers: and that to this VVitnefs knowledge, the Prifoner fent Letters twice concerning the deftruction of the Government, and the bringing in of *Popery*.

*Mr. Bedloe* could fay nothing pofitively as to *Mr. Rumly*; but that he had heard of his fending of Letters, and of his being intrufted when any Secret ones were fent; but that he could not fwear *Mr. Rumlyes* privy to any Letters relating to the Plot.

*Sir G. Wakeman* ask'd *Mr. Bedloe* what day it was that he faw him with *Mr. Harcourt* when he read the Bill; and how he knew it was for this Mony? and what acquaintance the Prifoner had with the Witnefs? To vvchich *Mr. Bedloe* answer'd, that it vvwas about the beginning of *Aug.* and he knevv it to be a Bill, for the Prifoner read it aloud, and that though the Witnefs had no acquaintance vvith him, yet *Mr. Harcourt* inform'd him vvho the VVitness vvwas.

*Sr. George* urging, hovv unlikely it vvwas that he should put his life into any mans hand at firft fight: But *Mr. Bedloe* reply'd, that he vvould have done a great deal more upon *Mr. Harcourts* Security. Adding, that he had forgotten the *Goldsmiths* name, and the Gentlemans who fubfcribed the Note: alfo affirming, that though *Sr. Geo.* would not own the knowing of him, yet he had been the Witnefs *Phyfitian* at the *Bath* about 2 years ago. *Sir G. Wakeman* reflecting upon feveral marks of Falfhood in the E-vidence.

Mr.

Mr. Marshall urg'd Mr. Bedlow to say when ever he saw him, before he came to him in the Gate-house; deni'd his owning the knowledge of him; and affirmed, that Mr. Bedlow acknowledged himself a Stranger to the Prisoner; appealing to those in the Prison that heard it. And likewise the Prisoner affirmed, that Mr. Bedlow, coming to him, used these words, Mr. Marshall, do not fear, for I will not hurt you: and so prest it upon Mr. Bedlow to say, where ever he had seen him.

The Prisoner denies the Witness's knowledge of him.

Mr. Bedlow's Answer was, that he had seen him at the Benedictines in the Savoy; and that the first word the Witness said upon coming into the Gate-house, was, *This is Mr. Marshall, that us'd to carry Letters to such and such*: referring himself to Sir W. Waller to attest it.

The Witness affirms the contrary.

Sir W. Waller gave Evidence, that Mr. Bedlow, in his hearing, in the Gate-house, spake to the Prisoner, asking him, Mr. Marshall, do not you know me? and Mr. Marshall answered, that he did not know him; but yet that he had seen him. Mr. Marshall suggesting to Sir William, that Mr. Bedlow was gone before he came in; and Sir William affirming, that he was with Mr. Marshall before Mr. Bedlow came in. Mr. Marshall insisting upon it, that he was in a private Room with Mr. Bedlow; and that Sir William asked the Prisoner, in the Common Hall, if Mr. Bedlow had not been there; who told him, *Yes*: and that those in the Gate-house did know that the Prisoner had been private with Mr. Bedlow before Sir William came in.

Sir W. Waller speaks to the point above.

Mr. Bedlow deposed, that going, by Order, to see the Prisoner, he met Sir William Waller, and went in with him; and that they were onely with the Prisoner in the Common Room; Sir William withdrawing to one end of it, while the Witness asked the Prisoner some questions; and Mr. Bedlow calling the Prisoner by his name, upon the first sight of him. Sir William Waller also affirmed, that Mr. Bedlow did ask him if his Name was not Marshall.

Mr. Bedlow affirms that he knew Marshall.

Mr. Marshall telling Mr. Bedlow, that he was first with him in a Room on the right hand, where his Guards were; Mr. Bedlow denied that he knew any such Room: and Mr. Marshall pleaded for himself, that he had no proofs there, because he could not imagine that such a thing would have been mentioned. The Prisoner said, that Mr. Bedlow came to the Gate-house a meer Stranger to him: and that Mr. Bedlow asking him, *Did not you send to such a one to have Mr. Bedlow questioned about such and such things?* the Prisoner denied it; and the Witness did not so much as pretend to have any knowledge of him. Besides, that he might learn his Name from those that took him; For he deliver'd himself up a Prisoner, by the name of Marshall, (though he was otherwise called *Marsh*;) remitting himself to the people in the Gate-house for the truth of what passed there. And that the Witness bad him *have a good heart; for he should have an Honourable Bench, and a good Jury*. But Mr. Bedlow, on the other side, affirmed, that without hearing of his Name at all, he said, as soon as ever he saw him, *This is Marshall, the Benedictine*: and moreover, that he had seen the Prisoner at the Savoy, and at other places. Marshall bidding him name any other place, and he would suffer Death for it. But Mr. Bedlow would not be positive in any other place. But that he remembered the Savoy more remarkably, as the place of their Consults about the Letters he carried thither; and that it was there he had the greatest Conversation with the Prisoner. Mr. Marshall telling the Witness, that if he could but make it out by any Creature, that ever he, the Witness, was in the Savoy, he would submit to be hang'd, without a word speaking. Mr. Bedlow replying, First, that he had Witnesses, though they were not at hand; and then that it was a thing sworn before the Secret Committees. But how-

Mr. Marshall denies it.

Mr. Bedlow comforts the Prisoner.

Their acquaintance at the Savoy. The Prisoner positively denies it.



ver the Witness nam'd his Landlord, as one that had been often with him therein the *Convent*; and with his Maid that carry'd the Portmantle with his Letters beyond Seas. And moreover, that he lodg'd some *six months* in the *Savoy* at one *Woodroff's*. The Prisoner asking him if it were there that he saw him: Mr. *Bedlow* said, No; for onely *Monks* and *Messengers* came thither. The Prisoner asking him also, if he were present at the search of the *Savoy*: he said he was not, but yet that he gave directions to Sir *William Waller* where to look.

The *Savoy* search'd by Dr. *Oates's* and Mr. *Bedlow's* Directions.

Sir *William Waller* depos'd, that he had his Directions from Dr. *Oates* and Mr. *Bedlow* where *Pickering* lay, and to search such and such places, and by those Directions he search'd the *Savoy*: and that this Description was made before Mr. *Marshall* was seiz'd some two or three days. Upon which, it was urg'd that such a Description could not be made by one that had not been there. To which Mr. *Marshall* reply'd, that Dr. *Oates* had search'd there before, and inform'd Mr. *Bedlow*, as might be well enough imagin'd, both of them joyning in the same Charge: and suggesting, how easie it was to describe a house by *Hearsay*. Mr. *Bedlow* did here declare, that it was he that gave Sir *William Waller* notice to search particularly under such a Bench in *Pickering's* quarter, for the *Gun* that was made choice of to Kill the King; and the *Gun* was found accordingly.

Mr. *Bedlow's* Evidence against Sir G. *W.* repeated.

Upon some question of Particularities in the Evidence, Mr. *Bedlow* was call'd up again to repeat his Testimonie about Sir *George Wakeman*; which was to the effect as before, of his being at *Harcourt's* Chamber, Sir *George's* coming in, and Mr. *Harcourt's* taking a Bill of Exchange out of his Cabinet, and saying, Sir *George*, *there's a Bill for you*, which I have receiv'd at *White-Hall* to day by the Queen's order. Sir *George* replying upon it, that he thought his nine years Service of Her Majesty might pretend to deserve it: and that there had been no hurt in't, if the Queen had given him it.

Sir G. *Wakeman's* Letter to *Ashby*.

Mr. *Chapman* inform'd, that one Mr. *Thimbilby* (an Infirm person of 80 years of age) brought him recommendations to the Bath from Sir *George Wakeman*. This was the 17. of July last. His business was, to get a Lodging as near the King and Queen's Bath as might be; which was done. And then he shew'd the Witness a Letter from Sir *George*, whereof the lower part was a direction what to take, and how to govern himself at the Bath; which was now produced in Court. That the Latin Bill the Witness kept to himself; returning the English part of the Letter to Mr. *Thimbilby*. Declaring, that both he and his Son read the English part; and that there was no mention of King or Queen in it, more then of the King and Queen's Bath.

Produced, and Justify'd.

A Paper was then shew'd the Witness, and a question upon it, If it were Sir *George's* Hand; the Witness saying that it was not, having severall of his Bills to compare it by. That he knew not of any date or name to it; and that he did not know whose Hand it was. It was then considered, that the Witness's Paper could not be the Letter Dr. *Oates* reflected upon, having neither Sir *George's* Hand, nor his Name to't, as was presum'd of the Other. Sir *George Wakeman* then deny'd the writing any other Letter, then that of his Servant by his Dictate, which *Ashby* carry'd to the Bath: and saith that Dr. *Oates* had charg'd him before the Lords but with One Letter. And then reasoning upon it, that if he had been conscious of any Guilt, he had time enough to make his Escape; challenged any man to prove, that he had any thing more to do with *Ashby*, then as a Physician with his Patient; and alledged, that a Physician here in the Town would testifie, that they two had been joyn'd in Consultations about him. Sir *George* desiring the Jury to take notice, that he never wrote any other Letter.

Mr. *Chapman*

Mr. Chapman was ask'd, if there was any thing of *Milk* mentioned in that Letter; who said, No; and that *Milk* was never prescribed with the Waters. Dr. Oates affirmed, that the Letter he saw was in another Hand, a kind of a Gentile Hand. Sir George appealing to all the world, that *Milk* was direct Poyson in the Case. But Dr. Oates inform'd the Court, that he was to take the *Milk* in Town. Sir George Wakeman opposing, that it could not be; for he staid but two days after the writing of that Letter. It came then to be consider'd, that this could not be the same Letter. Dr. Oates confirming it also; and that the prescription of *Milk* was after the first line or two of Complement; and that there was nothing of a *Latin Receipt* in it. Sir George Wakeman observed to the Jury, that admitting any other Letter then this in Court, he must write two Receipts for the same thing; which was very improbable. And that the Reason of his Hand not being to it, was, his being ill, and asleep, when his man (who wrote it over again from a foul Copy) went away with it.

Dr. Oates in-  
sists upon a-  
nother Let-  
ter.

Mr. Chapman repeating the Order of the Prescription, and declaring that he follow'd it at the Bath, for six days together; Dr. Oates depose, that there was no *Bolus* in the other Letter; nor what Bath he should go to, as was in This; and that therefore it could not be the same Letter. Besides, that it was written above ten days before Mr. Ashby went away. Sir George objecting, that there was no need of telling him of his Course in the Bath, so long before he went thither.

Sir G. own-  
ing One, and  
no more.

Sir George's Servant inform'd the Court, that telling his Master that Mr. Ashby desir'd Directions for the Bath, it being well late, and his Master indisposed, he had the Witness take Pen and Ink, and write; and making some mistakes, his Master bad him mend it; and so he interlin'd the Corrections. That this Witness wrote it fair that night, and carry'd it next morning, before his Master wak'd, to Mr. Ashby, who was then going for the Bath. The Witness declaring, that he knew nothing of Mr. Ashby's drinking of *Milk*, onely that a Friend of his had advis'd him to it. But Dr. Oates depose, that he himself was with him, and that he drank it Night and Morning.

Sir George's  
Servant  
proves the  
Letter.

The Witnesses for the Prisoners were now call'd:

And, first, Elizabeth Heveningham: who informed, that she was by, when Sir George's Servant wrote the Letter from his Master's mouth; and that she saw the Letter, and that there was no such thing in it as is said. Wherein the Court was satisfy'd as to the Truth of the Evidence, but that this could not be the same Letter Dr. Oates spoke of; for That was written Ten days before Mr. Ashby went to the Bath. Whereupon Mrs. Heveningham affirm'd, that Mr. Ashby said, in her hearing, that he wanted Directions.

And Eliza-  
beth Heven-  
ingham.

Sir George Wakeman pleaded, that he was left at Liberty 24 days after he had been before the Councell: and that upon Dr. Oates's bringing an Information upon the Letter now in question to the House of Commons Bar, they sent an Address to the Lords, with admiration that the present Prisoner was not confined: and that thereupon Dr. Oates was sent for to the Lords Bar, to repeat the Story; and mentioning the Letter Now in debate, he confest there, that he did not know Sir George Wakeman's Hand; and onely knew it to be His Letter, by being subscribed G. Wakeman. Sir George reasoning upon it, that the Witness would have told more, if he had known it, at That Examination.

Sir G. Wake-  
man's De-  
fence.

Dr. Oates depos'd, that Sir G. W. was left at liberty, because the Witness was so weak, and distemper'd with watching and toiling about, that he

The Dr. ex-  
cuses his O-  
mission be-  
fore the Coun-  
cill.



he could not perfect his Charge; and that he (the Dr.) did speak the whole Truth of his knowledge, as far as he was able; denying that he said he onely knew Sir George's Hand, because George Wakeman was subscribed. Which Sir G.W. opposed; and offer'd to make good his Contradiction by the Record. Dr. Oates depofed, that he could not perfectly remember the very words; but that if the Prisoner prov'd them by an Oath upon the Record, it must be referr'd to the Jury. But to the best of his memory, upon asking him about Sir George Wakeman's Hand, he said, that he saw a Letter subscribed with his Name, and that upon This Information Sir G.W. was committed.

Dr. Oates's  
Deposition  
against Sir G.  
W. before the  
Councill.

Sir George  
Wakeman's  
Reply,

Sir Philip Lloyd was called, who informed the Court, that Dr. Oates made Oath before the Council, Sept. 3. that he had seen mention made of Sir George Wakeman's undertaking to poyson the King, in a Letter (as he remember'd) from Mr. Whitebread to Mr. Fenwick at S. Omers: and that Coleman had paid Sir George 5000 li. in part of 15000 li. which he was to have. That Sir George Wakeman being call'd, and advertis'd of this Charge, he did not onely deny the whole matter, and appear otherwise unconcerned; but mov'd it, as a reasonable thing, that he might have Reparation for the Scandall. This behaviour of his was ill taken, and it was found reasonable to enquire farther into the matter; but the Evidence coming onely from a Third-hand Letter, Sir George was not committed. Dr. Oates being call'd in again, was demanded what he could say of his own personal knowledge concerning Sir George Wakeman. Upon which question, Dr. Oates holding up his hands, No, (said he) *God forbid that I should say any thing against Sir George Wakeman, for I know nothing more against him.* Sir Philip remitting himself to the whole Council for the Truth of what he deliver'd. Sir George Wakeman minding the Jury, that This was a Protestant Witness; and Dr. Oates not remembring a word of the whole matter.

Dr. Oates  
explains  
himself.

Dr. Oates did very candidly represent to the Court, that he onely inform'd the Council as by Report of Sir George Wakeman's Receipt of the 5000 li. in part: the Council not urging the Witness to speak upon his Knowledge. That the Witness believed it to be so, but would not be positive; for in case he should have made such answer as is informed against him, it was known to the whole Board that he was, at that time, hardly *Compos mentis*; and scarce in condition to return an answer. But that this Witness did according to the best of his skill, knowledge, and remembrance, acquaint the Board with Sir George Wakeman's Letter; but he would not be positive.

No mention  
of Sir George  
Wakeman's  
Letter, before  
the Council.

Sir Philip Lloyd was then examined as to the Letter: who informed, that he remembred nothing of that Letter; and that afterward, this Witness observing, in Dr. Oates's Depositions before the Lords and Commons, an account of such a Letter from Sir George Wakeman to Mr. Ashby, found upon the Table, he, this Witness, hath often reflected, since that time, upon Dr. Oates's declaring at the Council, that he had nothing more against Sir George Wakeman; repeating Dr. Oates's Action and Expression, that, *with his hands erected*, he said, *he knew no more against him.*

Sir George  
Wakeman's  
Plea.

Sir George Wakeman's Plea, that the Council would certainly have committed him, if this Evidence had been given to the Board, appearing to have something of weight in it; Dr. Oates sought to qualify that, by saying, that *they were such a Council as would commit no body.* Which was reflected upon by the Court, as unadvisedly said.

A Copy of  
fer'd of the  
Lords Re-  
cords.

Mr. Lydcot was call'd, who brought a Copy of the Lords Records; and informed, that it was a True Copy, and that *Time* Oates was set in several places, as to an Information: but whether it was his Hand or not,  
Mr. Lydcot



## OF THE PLOT.

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Mr. *Lydeot* could not say; onely that it was copied from Mr. *Rolph's* Hand. To all which it was objected, that the Witness not being present when Dr. *Oates* said this, nor the thing attested by the Clerk that made the Entry, or saw him subscribe the Examination; that Copy amounted to no more then a Transcript from the *Journal*, which could not be allowed in Evidence.

Mr. *Rumly* was offer'd to have his Witnesses heard: but the Court finding that he had no need of them, the Prisoner wav'd them.

Sir *Thomas Doleman* made Oath, that Dr. *Oates* appearing before His Majesty and Council on the *Saturday*, and attending morning and afternoon, and being employ'd that night upon Searches, the Council sitting *Sunday afternoon*, (as the Deponent remembred) Dr. *Oates* was then examin'd; and the Council sitting very long, he was appointed that night to search again, when he seiz'd several Priests and Papers; the night being wet having much disorder'd him. On *Monday morning* he was examin'd before the Council again, and at night in so feeble a condition as ever the Witness saw any man. Sir *George Wakeman* offer'd, that he appear'd upon *Sunday*, and so was dismiss'd again, till the King himself might have the hearing of the business the next day. Sir *Thomas Doleman* then proceeded, that Sir *George Wakeman* was then call'd in, and deliver'd such an Answer, that the Council very much wonder'd at the manner of it: several persons being of opinion, that his Denial was not so point-blank as it might have been; insisting much upon his Loyalty to the Crown, and Reparation upon a point of Honour.

Sir *George Wakeman* inform'd the Court, that being charg'd with Treason before the Council, and Dr. *Oates* his Accuser, he press'd Dr. *Oates* to say if he either knew him, or had seen him before. He said, No; but that upon a Consult at *S. Omers*, where *Ashby* was *Rectour*, Sir *George Wakeman* was pitch'd upon, by name, for the poisoning of the King: though the Dr. is now pleas'd to say that the Debate was in *England*. That the Prisoner, finding the Charge so remote, offer'd, that where there was no Proof, he hop'd there would not be expected any Defence. The Prisoner, upon this, taking a freedom to instance in divers actions of Loyalty, both from Himself, Family, and Relations, as some Testimony of his Duty to the Government.

Mr. *Corker* offer'd in Plea, that not knowing his Accusations, he could not come provided with Evidences to support his Defence: that nothing is easier, then to accuse an Innocent person, so, that he shall never clear himself: and that it is not a Positive, but a Probable Oath, that proves a man a Criminal; and that otherwise Dr. *Oates*, and his Companions, might hang up whom they pleas'd, let the men be never so Innocent, or the matter charg'd never so ridiculous: and that the Circumstances ought to be Credible, as well as the Witnesses; neither of which were (as he suggested) to be found in his Case. Proceeding in a Reflection upon the Extent of the Charge; it involving the whole Body of the *Roman Catholics* in the Treason: Using many Flourishes of Discourse to affect the Bench, and the Jury, as to the Credit of the very Plot it self: Raising arguments from Improbabilities of Circumstances, and Incredibility of Witnesses, to uphold his pretence. But the Court with as much Ease answer'd his Defence, as they heard it with Patience.

Sir *George Wakeman* recommended one Observation to the Court; That in Dr. *Oates's* copious Narrative, there is not one Letter from abroad, but he deposes positively both to the Date, and to the Receipt of it: and yet in the Case of a man's Life he will not be confin'd to a Month.

Mr. *Rumly*  
clear'd.

Dr. *Oates* ve-  
ry ill and  
weary before  
the Council.

Sir *George*  
*Wakeman's*  
Plea before  
the Council.

Mr. *Corker's*  
Plea and Ar-  
gument.

Sir *George*  
*Wakeman's*  
Observation  
upon the  
Doctour's  
Narrative.

Mr. Corker  
reflects upon  
Dr. Oates's  
Mistakes.

Mr. Corker suggested divers Mistakes of Dr. Oates's: as his charging the Prisoner with the denial of a Truth before a Justice; wherein the Prisoner clear'd the Errour; and then the business of his going to *Lampring*. But these were look'd upon as matters of no weight. The Prisoner then reflected upon the Doctour's deposing him to be *President* of the Congregation; whereas *Stapilton* is known to have been *President* of it for several years past. And says, that if this Prisoner be not *President*, Dr. Oates's Accusation of the *Benedictines* waiting for his Consent, must fall to the ground.

Mr. Corker  
denies all.

The Prisoner being put to prove who was the *President* of the Order, not being provided with Witnesses at hand, spake himself; denying any Letter, either written, or received, as was suggested; any privacy to such a Consult about the Mony; or any necessity for his being at it, if the thing had been true. And arguing, that in reason, if he had been in the Conspiracy with *Pickering*, when *Pickering* was taken, he would certainly have fled.

He says that  
Dr. Oates did  
not know  
him.

And as to his Exception against *Pickering*, because no *Lay-brother* & the Dr. knowing *Pickering* so well, and himself being present at the taking of him, it seemed strange that he should neither know, nor charge, nor apprehend him the Prisoner, untill near a Month after: especially the Officers coming to this Prisoner's Chamber, when they seiz'd *Pickering*. But Dr. Oates, hearing afterward that the Prisoner had lodg'd there, enter'd him in his List, and so took him. Whereas, if (as Dr. Oates says) the Prisoner was a Fellow-Criminal with *Pickering*, he being then in quest of the Conspiratours, it was his duty to have taken them both together. Beside that the Prisoner's Name not being upon the Doctour's Catalogue, he thought might acquit him.

But the Prisoner being over-rul'd in it, that what he offer'd, was no Evidence, he recommended himself to the Jury, to lay it to their Conscience, whether they did not assent to him in the Truth of this matter.

Mr. Marshall's  
Defence.

Mr. Marshall being now ask'd what he had to say, spake to this effect: That upon notice, a month agoe, of coming speedily to his Trial, he had bethought himself of his Defence; and with good hope to acquit himself. But reflecting upon the Issue of the late Trials, he had once resolved to submit all to the Sentence of the Court and the Jury, without a word speaking. But that being now encourag'd by the Candour and Equity of the Proceeding, he made it his humble suit to the Honourable Bench, to take into their own Menage the Cause of the Prisoner. Passing from thence to a slight reflection upon Dr. Oates and Mr. Bedlow; and then referring to the Unconcernedness upon him at his Apprehension, there being no Warrant out against him, nor any Charge of Treason lying upon him: But that coming by chance to enquire for one where they were upon a Search, though he saw the Officer at the door, and Candles up and down the house, yet he went forward; as all the people can testify, and Sir William Waller also, that took him.

Sir William  
Waller speaks  
to the man-  
ner of Ta-  
king him.

Sir William Waller being called, deposed to this point, that going to search there, he gave order to one at the door to let any body in, but no body out: and that the Prisoner came and knockt at the door, (as Sir William supposed,) not knowing of any Search in the house. But being let in, and finding how it was, he did what he could to get away again.

Mr. Marshall  
defends him-  
self.

But Mr. Marshall begging pardon for the Contradiction, affirmed with a solemn asseveration, that he enter'd without knocking, (the door being open) and so went in of his own accord, as the Constable would bear him Witness. And for his endeavour to get away again, he affirm'd, that while they were searching within, he continu'd in an Out-room, the Constable and others with him wondering, when he came back, that the Prisoner was

not



not gone. The Prisoner affirming likewise, that he was left at the door alone: and beside, that he could have slipped out at another door, into an *Alley*, which he had the trick of opening while a man might speak three words. The Prisoner insisting upon this Confidence, as an argument of his Innocence: saying farther, that he was spoken to to take off his Perriwigg, and stand with his back to *Sir William* and *Dr. Oates*; which the Prisoner did not understand. But *Sir William* being so kind afterwards as to see him at the Gate-house, with two worthy Gentlemen, *Sir Philip Matthews* and *Sir John Cuttler*, upon the Prisoner's affirming that *Dr. Oates* was wholly a Stranger to him, the Prisoner was told, that *Dr. Oates* (as a token that he knew him) describ'd a certain Mark upon the Hind-part of his Head: the Prisoner offering himself to the Company, to see if there were any such thing or no. The Prisoner did now desire, that *Dr. Oates* might give an accompt of that Mark; and that the Jury would believe of him according as they found it true or false. *Sir William Waller* inform'd the Court, that he knew nothing of any Mark; but that *Dr. Oates*, when he came in, call'd the Prisoner by his name. *Mr. Marshall* excus'd the Trouble he had given the Court, his Defence depending upon the Proof of *Doctour Oates's* being a Stranger to him; desiring the Jury to observe, that such a Description was given; *Sir William Waller* owning a desire to see him without his Perriwigg, to look if he had a Shaven Crown: which *Mr. Marshall* said, *Sir William* must needs know could not be; it being an express Caution, that no *Religious* wear any such Testimony of his Profession, in *England*.

*Mr. Marshall* inform'd the Court, that upon *Dr. Oates's* first Evidence against him, he desired *Sir William*, that it might be put in writing: which *Sir William* refused; but promised to commit it to memory. Hereupon the Prisoner did now adjure *Sir William* as a worthy Gentleman, and as he should answer for it at the Last day, to be as good as his word. The Prisoner said farther, that *Dr. Oates* looking hard upon him, askt him what his Name was: which shew'd him to be a Stranger. And upon the Prisoner's owning his Name to be *Marshall*; *Dr. Oates* told him, that he was call'd *Marsh*. Urging it, that *Dr. Oates* seeing the Prisoners; saying that he did not know them; leaving them in bed, and at liberty to be gone; and he himself declaring that he was looking for Traitours; the Prisoner left the Jury to judge, whether he had any thing to charge upon them. *Sir William Waller* protested solemnly, that there was nothing of all this. *Mr. Marshall* exclaiming, that he was astonish'd; and affirming, that upon a Controversie with *Dr. Oates* about it, *Mr. Gill* the Constable averr'd it, and promised to attend in Court to make it good. The Prisoner averring, that he askt *Dr. Oates* why he did not seize him before, when he was searching for Traitours, if he knew the Prisoner to be a Traitour: whose answer was, before *Sir William*, that at That time he had no Commission to seize him. But *Sir William* remember'd nothing of This neither. *Mr. Marshall* then ask'd *Sir William*, if he remember'd what *Dr. Oates* said upon a question of his seeing the Prisoner last Summer; which was, that he saw him *June, July, and August*. *Sir William Waller* calling to mind something of That; *Mr. Marshall* averr'd, that he could prove himself in *Warwickshire* all those three Months; but that his Witnesses were not here; and that it was impossible to foresee what points would come in question. Whereupon he did submissively desire respite of the Court, for the producing of his Witnesses.

The Prisoner recommends over again the consideration of the False Mark; the Dr's finding him in bed, and yet not knowing him; his point-blank Evidence upon *August 21*; and the most certain means he had of Disproving *Jury*.

*Mr. Marshall*  
appeals to  
*Sir William*  
*Waller*.

The Prisoner  
recommends  
himself to  
the Court and  
proving *Jury*.



Witnesses for  
the Prisoners.

proving it : still insisting upon a very short time to bring up his Witnesses. Mr. *Corker* minded the Court of the Officers, and others, that said, upon the taking of *Pickering*, that they had nothing to say against the Prisoners ; which a Servant of the house was then ready to attest.

*Elenor Rigby* informed, that upon the Search in the *Savoy*, *Marshall* and *Corker* were both in bed, at the same time when *Pickering* was taken : and that the Company ask'd the Names of the people in the house ; and that this Witness named to them *Pickering*, *Marsh*, *Corker*, and others. They declaring (*Dr. Oates* among the rest) that their business was onely to *Pickering*.

*Corker* not  
President, as  
pretended.

Upon the Question, who was President of the *Benedictines*, the Witness answered, Mr. *Stapilton* : and that he had been so several Years : and that she was certain that *Corker* never officiated in that place. And being ask'd, if ever she had seen *Dr. Oates* or Mr. *Bedlow* there in the house ; she (the Witness) answer'd, that *Dr. Oates* came to Mr. *Pickering* for a Charity that Summer was twelvemonth ; and that Mr. *Pickering* forbid his coming into the house. Mr. *Marshall* collecting from that Evidence, that This being charg'd for the very Nick of time to advance the Plot, it was not probable that they would treat so necessarily an Instrument in it at that rate. The Prisoner repeating his desire onely of 3 or 4 days time, to provide his Witnesses : reasoning upon the Thing that if his Life might justly be sav'd, he did presume that the Court would not have him lose it. But it was urg'd, on the other side, that he had notice long enough to have brought them up ; and that the Jury must be now kept together till they give up their Verdict.

Mr. *Stapilton*  
President of  
the *Benedic-*  
*tines*.

Mrs. *Elizabeth Sheldon* informed, that Mr. *Stapilton* was at present ( and had been for four or five years last past, to her knowledge ) President of the *Benedictine Monks*. And *Alice Broadhead* informed likewise to the same effect. Upon which Evidence Mr. *Corker* raised this Inference, That *Dr. Oates's* Accusation was of no validity, depending wholly upon the Prisoner's being President, and consenting to the Plot under that qualification.

The Prison-  
ers plead  
Innocence.

Sir *George Wakeman*, with a solemn Imprecation, disclaimed all the Crime in this matter that was charg'd upon him. And so likewise did Mr. *Corker* : renouncing both the Doctrine of moving a Sedition for Religion ; and all power of Dispensation for so doing. Mr. *Marshall* was more Copious and Rhetorical ; and more upon Persuasion than Defence. So that the Lord Chief Justice (after some short Remarks upon the *Romish Principles*) summ'd up the Evidence, and gave directions to the Jury : who after an hour's Consideration returned the Prisoners Not Guilty.

And brought  
in Not Guilty.

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